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LEGISLATIVE HISTORY
Public Law 90-492
H. R. 16363

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INDEX AND SUMMARY OF H. R. 16363

- Feb. 6, 1968 Both Houses received President's Consumer message. H. Doc. 248. Print of Document.
- Sen. Ellender introduced and discussed S. 2932 which was referred to Senate Agriculture and Forestry Committee. Print of bill as introduced and remarks of author.
- Reps. Sullivan, Poage, Purcell and [Smith of Iowa] introduced and discussed H. R. 15149, H. R. 15154, and H. R. 15146 which were referred to House Agriculture Committee. Prints of bill and remarks of authors.
- Meeting - House*
Feb. 26, 1968 Cosponsors were added to S. 2932 and Sen. Montoya submitted and discussed proposed amendments.
- Mar. 13, 1968 Cosponsors were added to S. 2932.
- Apr. 1, 1968 Rep. Purcell introduced H. R. 16363 which was referred to House Agriculture Committee. Print of bill as introduced.
- Apr. 2, 1968 House committee voted to report H. R. 16363.
- Apr. 30, 1968 House committee reported H. R. 16363 with amendments. House Report 1333. Print of bill and report.
- May 14, 1968 Rules Committee reported a resolution for consideration of H. R. 16363. H. Res. 1172. H. Rept. 1388. Print of resolution and report.
- June 13, 1968 House passed H.R. 16363 as reported.
- June 17, 1968 H. R. 16363 was referred to Senate Agriculture and Forestry Committee. Print of bill as referred.
- Meeting - Senate*
July 17, 1968 Senate committee voted to report H. R. 16363 with amendments.
- July 23, 1968 Senate committee reported S. 2932 with amendment. Senate Report 1449. Print of bill and report.

July 26, 1968 Senate began debate on S. 2932.

July 27, 1968 Senate continued debate on S. 2932.

July 29, 1968 Senate passed H. R. 16363 with amendments, inserting the language of S. 2932. S. 2932 was postponed due to passage of H. R. 16363.

Senate conferees were appointed.

July 30, 1968 House conferees were appointed.

Aug. 1, 1968 House received conference report. House Report 1839. Print of report.

Aug. 2, 1968 Both Houses agreed to conference report.

Aug. 18, 1968 Approved: Public Law 90-492.

President's statement when signing bill.

Hearings:

House Agriculture Committee on H. R. 14594
Serial KK.

Senate Agriculture and Forestry Committee on
S. 2846, S. 2932, S. 3383, and H. R. 16363.

*Note: Those hearings will be found after tab PL 488
See also inserts on following page.*

90
H.R. 14594

PL 90-492

AMEND THE POULTRY PRODUCTS INSPECTION ACT

Serial KK

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HEARINGS

BEFORE THE

SUBCOMMITTEE ON LIVESTOCK AND GRAINS

OF THE

COMMITTEE ON AGRICULTURE

HOUSE OF REPRESENTATIVES

NINETIETH CONGRESS

SECOND SESSION

ON

H.R. 14594, H.R. 14741, H.R. 14782, H.R. 15146,
H.R. 15149, H.R. 15154, H.R. 15361, H.R. 15484,
and H.R. 15504

FEBRUARY 19, 20, 21, AND 22, 1968

Serial KK

Printed for the use of the Committee on Agriculture



U.S. GOVERNMENT PRINTING OFFICE

WASHINGTON : 1968

DIGEST OF PUBLIC LAW 90-492

WHOLESOME POULTRY PRODUCTS ACT. Amends the Poultry Products Act, as amended, to: Broaden the poultry products inspection program by providing the bases for State-Federal cooperation in developing and administering State poultry products inspection programs with respect to intrastate activities. Provide authority to cover intrastate plants producing products that are a hazard to health if the State does not act to remove the hazard. Authorize extension of the Federal program to intrastate poultry products operations in States which fail to develop adequate State systems within a specified two or three year period. Give the Secretary of Agriculture new authority over associated industries (transporters, brokers, renderers, animal food manufacturers, and others) to provide the means to keep unfit poultry products out of the human food supply. Extend the territorial applicability of the Act, including coverage of operations in the unorganized territories. Prohibit distribution of adulterated or misbranded poultry products in interstate or foreign commerce. Authorize detention, seizure, and denial of inspection for specified causes. Require the Secretary of Agriculture to submit an annual report to the House Committee on Agriculture and the Senate Committee on Agriculture and Forestry.

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C. 20250
OFFICIAL BUSINESS

POSTAGE AND FEES PAID
U. S. DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

Issued February 7, 1968
For actions of February 6, 1968
90th-2nd; No. 17

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HIGHLIGHTS: Both Houses received President's consumers message, and several members discussed it. House committees voted to report rice-allotment and school-lunch bills. Sen. Ellender and Reps. Sullivan, Poage, Purcell, and Smith, Ia., introduced and discussed poultry inspection bill.

HOUSE

1. CONSUMERS. Both Houses received the President's consumers message, in which he recommended legislation to strengthen poultry inspection, authorize fish inspection, provide for a Consumer Counsel in the Justice Department, prevent deceptive sales, study automobile insurance, prevent hazardous radiation, provide for recreational boat safety, and protect the consumer's dollar through the tax program; to House Committee on the Whole and Senate Committees on Commerce, and Agriculture and Forestry. pp. H810-13, S941-3, E538, E551

Rep. Smith, Iowa, commended the recommendation for poultry-inspection legislation. pp. H809, H848

Several other Reps. and Sens. discussed the consumers message. pp. H813-17 S943, S948-9, S951-2, S968

Received from HEW a proposed bill to carry out the fish-inspection and radiation-protection recommendations in the consumers message; to Interstate and Foreign Commerce Committee. p. H862

2. EXPORT-IMPORT BANK. Began debate on H. R. 6649, to continue the Export-Import Bank for 5 years (through June 1973) and increase its authorization. pp. H818-39

3. RICE ALLOTMENTS. The Agriculture Committee voted to report (but did not actually report) H. R. 14601, to authorize transfer of rice allotments. p. D70

4. SCHOOL LUNCHES. A subcommittee of the Education and Labor Committee approved for full committee action a clean bill in lieu of H. R. 13293, to amend the School Lunch Act. p. D70

5. POLLUTION. Rep. Bolton inserted articles favoring additional air- and water-pollution control. pp. H848-50

Received from the Interior Department Vol. III of the report on national requirements for and cost of treating municipal, industrial, and other effluent to attain water quality standards established pursuant to the Water Pollution Control Act; to Public Works Committee. p. H863

6. CONGRESSIONAL REORGANIZATION. Rep. Hall inserted a comparison of various provisions of congressional reorganization bills. pp. H850-1

7. COMMITTEE EMPLOYEES. A list of committee employees and their salaries was inserted. pp. H853-62

8. WEATHER RESEARCH. Both Houses received from the Budget Bureau a plan for meteorological services and research; to Appropriations Committees. pp. H862, S913

SENATE

9. FARM LOANS. Sen. Yarborough stated the progress of the Farmers Home Adm. "has made under this administration since 1961...is nothing short of amazing," and inserted a table showing selected activities of FHA during 1960 and 1967 fiscal years in Tex. pp. S958-9

10. NOMINATION. Confirmed the nomination of Merton J. Peck, Conn., to be a member of the Council of Economic Advisers. pp. S913, S997

11. EDUCATION. Received from HEW a draft bill "to amend the Higher Education Act of 1965, the National Defense Education Act of 1958, the National Vocational Student Loan Insurance Act of 1965, the Higher Education Facilities Act of 1963, and related acts; also a draft of proposed legislation to amend the Vocational Education Act of 1963"; to Labor and Public Welfare Committee. p. S914

THE AMERICAN CONSUMER

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

THE FOURTH MESSAGE ON THE AMERICAN CONSUMER ENUMERATING THE STEPS TAKEN TO ACHIEVE PRESENT PROGRESS AND SETTING FORTH A NEW PROGRAM FOR 1968

FEBRUARY 6, 1968.—Referred to the Committee on the Whole House on the State of the Union and ordered to be printed

To the Congress of the United States:

Speaking for every American, I present to the Congress my fourth Message on the American Consumer.

President Truman once observed that while some Americans have their interests protected in Washington by special lobbying groups, most of the people depend on the President of the United States to represent their interests.

In the case of consumer protection, however, the President—and the Congress—speak for every citizen.

A hundred years ago, consumer protection was largely unnecessary. We were a rural nation then: a nation of farms and small towns. Even in the growing cities, neighborhoods were closely knit.

Most products were locally produced and there was a personal relationship between the seller and the buyer. If the buyer had a complaint, he went straight to the miller, the blacksmith, the tailor, the corner grocer. Products were less complicated. It was easy to tell the excellent from the inferior.

Today all this is changed. A manufacturer may be thousands of miles away from his customer—and even further removed by distributors, wholesalers and retailers. His products may be so complicated that only an expert can pass judgment on their quality.

We are able to sustain this vast and impersonal system of commerce because of the ingenuity of our technology and the honesty of our businessmen.

But this same vast network of commerce, this same complexity, also presents opportunities for the unscrupulous and the negligent.

It is the government's role to protect the consumer—and the honest businessman alike—against fraud and indifference. Our goal must be to assure every American consumer a fair and honest exchange for his hard-earned dollar.

THE RECORD OF PROGRESS

Thanks to the work of the last two Congresses, we are now much closer to that goal than ever before. In three years, we have taken historic steps to protect the consumer against:

- Impure and unwholesome meat.
- Death and destruction on our highways.
- Misleading labels and packages.
- Clothing and blankets that are fire-prone, rather than fire-proof.
- Hazardous appliances and products around the house.
- Toys that endanger our children.
- Substandard clinical laboratories.
- Unsafe tires.

In addition to these, the first session of this Congress took important steps toward passage of other consumer proposals we recommended last year, including the Truth-in-Lending, Fire Safety and Pipeline Safety bills which passed the Senate, and the fraudulent land sales, mutual funds and electric power reliability measures.

This session of the Congress should complete action on these vitally needed proposals to protect the public. It has already begun to do so.

In passing the Truth-in-Lending Bill last week, the House of Representatives brought every American consumer another step closer to knowing the cost of money he borrows. I urge the House and Senate to resolve their differences promptly and to give the consumer a strong Truth-in-Lending law.

A NEW PROGRAM FOR 1968

But that record alone, as comprehensive as it is, will not complete our responsibility. The needs of the consumer change as our Society changes, and legislation must keep pace.

For 1968, I propose a new eight-point program to:

- Crack down on fraud and deception in sales.
- Launch a major study of automobile insurance.
- Protect Americans against hazardous radiation from television sets and other electronic equipment.
- Close the gaps in our system of poultry inspection.
- Guard the consumer's health against unwholesome fish.
- Move now to prevent death and accidents on our waterways.
- Add new meaning to warranties and guarantees, and seek ways to improve repair work and servicing.
- Appoint a government lawyer to represent the consumer.

SALES RACKETS

Every Spring, when families turn their thoughts to household improvements, the shady operator goes to work.

His office may be a telephone booth, a briefcase which he carries from door to door, or a car which he drives from state to state. His sales brochure may be a catchy newspaper advertisement.

With false and deceptive offers of attractive home repairs or items that are more promise than product, he preys most of all on those who are least able to protect themselves: the poor, the elderly, the ignorant.

Too often—and too late—the victim discovers that he has been swindled: that he has paid too much, that he has received inferior work, and that he has mortgaged himself into long-term debt. Some even lose their homes. A recent Report of the National Better Business Bureau estimates that deceptive practices in the home improvement field alone cost the consumer between \$500 million and \$1 billion yearly.

Sales rackets are not limited to home improvements. And sales rackets of all types are on the increase.

As the law now stands, there is no effective way to stop these unscrupulous practices when they are discovered. The legal machinery may drag on for two or three years before the violator can be ordered to cease and desist. In the meantime, countless more Americans are cheated.

In matters so flagrantly deceptive, the consumer and the honest businessman deserve greater—and speedier—protection.

I recommend that the Congress enact the Deceptive Sales Act of 1968 to give new powers to the Federal Trade Commission.

Under this Act, the FTC would be able to obtain Federal court orders to stop fraudulent and deceptive practices immediately while the case is before the Commission or the courts.

With this measure we can complete the cycle of protection for the consumer in fraud cases—by adding Federal court injunctions to the administrative and criminal processes which now exist.

AUTOMOBILE INSURANCE

One area of major concern to the consumer is automobile insurance. Every motorist, every passenger, and every pedestrian is affected by it—yet the system is overburdened and unsatisfactory.

Premiums are rising—in some parts of the country they have increased by as much as 30 percent over the past six years.

Arbitrary coverage and policy cancellations are the cause of frequent complaint—particularly from the elderly, the young, the serviceman, and the Negro and Mexican-American.

A number of “high risk” insurance companies have gone into bankruptcy—leaving policyholders and accident victims unprotected and helpless.

Accident compensation is often unfair: Some victims get too much, some get too little, some get nothing at all.

Lawsuits have clogged our courts. The average claim takes about two and one-half years just to get to trial.

This is a national problem. It will become even more of a problem as we license more drivers, produce more automobiles and build more roads.

With more than 100 million drivers and 96 million motor vehicles in the United States, the insurance system is severely strained today.

While many proposals have been made to improve the system, many questions remain unanswered. The search for solutions must be pressed.

I propose legislation to authorize the Secretary of Transportation to conduct the first comprehensive study of the automobile insurance system. He will undertake this review with the full cooperation of the Federal Trade Commission and other appropriate agencies of the Executive Branch.

In recent months we have acted to make our cars and our highways safer. Now we must move to streamline the automobile insurance system—to make it fair, to make it simple, and to make it efficient.

HAZARDOUS RADIATION

It has been said that each civilization creates its own hazards. Ours is no exception. While modern technology has enriched our daily lives, it has sometimes yielded unexpected and unfortunate side effects.

Recently it was discovered that certain color television sets emit radiation which exceeds accepted safety limits.

We also know that poorly designed X-ray equipment is unnecessarily exposing some patients to the danger of radiation.

Such defects have introduced a new element into the problem of radiation hazards.

Intensive research has already probed this area. But those efforts have dealt primarily with radiation from medical equipment, isotopes, and nuclear devices.

We have long known that large doses of radiation can be fatal. But we have much more to learn about the harmful effects of lesser doses—effects which may not show up for many years.

Now modern science must be put to work on these hazards—particularly the hazards which confront the consumer.

I recommend enactment of the Hazardous Radiation Act of 1968. This measure will give the Secretary of Health, Education, and Welfare authority to

—Conduct intensive studies of the hazards and set and enforce standards to control them.

—Require manufacturers to recall defective equipment and devices.

The proposed legislation sets penalties for those who ignore the standards established by the Secretary of Health, Education, and Welfare.

WHOLESOME POULTRY

Last year, the Congress enacted the Wholesome Meat Act to insure the quality and safety of the food that American housewives put on their tables.

This year, the scope of that protection must be extended.

In 1967, Americans consumed over 12 billion pounds of poultry, most of it inspected under Federal law. But the 1.6 billion pounds which

did not cross state lines received no Federal inspection. And State inspection is minimal at best. Thirty-one States have no poultry inspection laws. Of the remaining 19, only four have effective laws in operation.

The American consumer is paying for this neglect. He pays for it in poor quality, and in potential danger to his health.

In poultry processing plants that are Federally inspected, four percent—over 400 million pounds—of the poultry is rejected because it is diseased and contaminated. There is every reason to believe that the percentage of rejection would be even higher in uninspected plants. There is no way of knowing how much unwholesome poultry is processed by these plants and passed on to the unsuspecting buyer. But we do know that:

- Conditions in many of these plants are poor and that quality control is far below Federal standards.
- Poultry can be seriously adulterated by impure water and unsanitary processing conditions.
- There is a practice among some poultry producers of sending to uninspected plants inferior poultry flocks which, under Federal inspection, would face rejection.

The housewife receives protection for the poultry that comes from a neighboring state. Why should she not receive the same protection when the poultry is processed and sold in the state where she lives?

I recommend the Wholesome Poultry Products Act of 1968.

This legislation follows the pattern of the Wholesome Meat Act. It will help the States develop their own programs and train inspectors.

At the end of two years, if the States do not have inspection programs at least equal to Federal standards, the Federal inspection requirements will prevail.

In the meantime, the Act will require those intrastate plants which pose a health hazard to clean up or close down.

WHOLESOME FISH

If poultry inspection is spotty today, fish inspection is virtually non-existent.

Each year, Americans consume about two billion pounds of fish—nearly 11 pounds per person. A common item in every family's diet, fish can also be an all-too common carrier of disease if improperly processed and shipped.

Last summer, the Senate Subcommittee on Consumer Affairs heard testimony which disclosed that a substantial amount of the fish sold in this country exposes the consumer to unknown and unnecessary dangers to his health.

It is impossible to show every link between contaminated fish and illness. Yet these links do exist: links to botulism, hepatitis, and other diseases. About 400 cases of food poisoning, reported on a single weekend in 1966, were traced to fish processed in dirty plants.

Despite these facts, the Nation has no adequate program for continuous fish inspection—either at the Federal or State level. Nor is there any systematic program for inspecting imported fish and fish products, which account for more than 50 percent of our annual consumption.

I propose the Wholesome Fish and Fishery Products Act of 1968.

The bill would authorize the Secretary of Health, Education, and Welfare to:

- Develop a comprehensive Federal program for consumer protection against the health hazards and mislabeling of fish, shellfish and seafood products.
- Set standards and develop continuous inspection and enforcement.
- Support research, training, and inspection programs.
- Help the states develop their own fish inspection programs.
- Assure that imported fish products are wholesome.

RECREATIONAL BOAT SAFETY

Until recently, boats were reserved for commerce, or were owned by the very wealthy. But in our changing pattern of leisure, more and more Americans are taking to the water.

Today, boating has become a major form of recreation, with more than eight million small boats now in operation. Everywhere we see them: on our shores, in our bays, in our lakes, and on our rivers.

In these waters, Americans find rest and relaxation. But some find unexpected tragedy as well.

Last year, boating accidents claimed more than 1,300 lives—about as many as were lost in aircraft accidents.

This problem, as tragic as it is, has not yet reached major national proportions. It has not yet reached the level of automobile accidents, which cost us 53,000 lives annually. But if the Nation had begun its highway safety campaign years ago, there is no way of knowing how many American lives could have been saved. That is all the more reason why we should start now.

I propose the Recreational Boat Safety Act of 1968:

- To help the states establish and improve their own boat safety programs. These programs could include the removal of hazardous debris from our lakes and rivers, boat operators education and licensing, safety patrols and inspections, testing of boats, and accident investigations.
- To authorize the Secretary of Transportation to set and enforce safety standards for boats and equipment.

This program would be directed by the Secretary of Transportation. But its ultimate success will depend on the cooperation of industry, State and local governments, and boat owners themselves.

REPAIRS, WARRANTIES AND GUARANTEES

“I wish I could buy an appliance that would last until I’ve finished paying for it.”

That complaint, familiar to every American housewife, was recently passed on to my Special Assistant for Consumer Affairs. It is a complaint that cannot be ignored.

The products of American industry save us hours of work, and provide unmatched convenience and comfort.

But they can be a source of annoyance and frustration.

Consumers have no way of knowing how long these products are built to last.

Guarantees and warranties are often meaningless—written in vague and complex language.

Repair work is sometimes excellent, sometimes shoddy, and always a gamble.

These are not problems that can be solved by legislation at this time. But they are problems that need attention now.

The Special Assistant to the President for Consumer Affairs, the Chairman of the Federal Trade Commission, the Secretary of Commerce and the Secretary of Labor will begin work immediately with the industry to:

—Encourage improvements in the quality of service and repairs.

—Assure that warranties and guarantees say what they mean and mean what they say.

—Let the consumer know how long he may expect a product to last if properly used.

—Determine whether federal legislation is needed.

A CONSUMER'S LAWYER

Less than two months after assuming office, I reaffirmed these basic rights of the American consumer:

—The right to safety.

—The right to be fully informed.

—The right to choose.

—The right to be heard.

To give added meaning to these rights, the first Special Presidential Assistant on Consumer Affairs and a Presidential Committee on Consumer Interests were appointed.

I said at the time that the voice of the consumer must be "loud, clear, uncompromising, and effective" in the highest councils of Government.

Now it is time to move closer to that goal. It is time to appoint a lawyer for the consumers.

I plan to appoint a Consumer Counsel at the Justice Department to work directly under the Attorney General and to serve the Special Assistant to the President for Consumer Affairs.

But most important, he will act in the interest of every American consumer.

He will seek better representation for consumer interests before administrative agencies and courts. He will be concerned with the widest range of consumer matters—from quality standards to frauds.

TO PROTECT THE CONSUMER'S DOLLAR

One thing, above all, should be clear to us today. We *can* encourage safety and wholesomeness by law. We *can* curb abuses and fraud.

But all our actions will be in vain if we fail to protect the buying power of every American consumer.

The Nation is now in its 84th month of historic economic growth. More Americans are at work than ever before—earning more, and buying more.

But in the midst of prosperity there are signs of danger: clear and unmistakable signs. Prices are rising faster than they should. Interest rates are climbing—and indeed have passed their peaks of 1966.

A year ago, we asked the Congress for a modest but urgently needed tax increase to curb inflation. That request was repeated last August in a Special Message calling for an average tax of about a penny on a dollar of income.

This is a fair request. Your Government is asking for only about half of what it returned to the taxpayer in the tax reduction of 1964. A penny on the dollar tax now will be much less painful than the far more burdensome tax of accelerating inflation in the months ahead.

And so today—as part of this consumer message—I again call for action on the tax request.

Business and labor leaders, consumers all, must respond to this Nation's call for restraint and responsibility in their wage-price decisions.

TO ADVANCE THE CONSUMER INTEREST

For 1968, this message proposes eight new steps to advance the consumer interest.

This is not a partisan program or a business program or a labor program. It is a program for *all* of us—all 200 million Americans.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *February 6, 1968.*



S. 2932

IN THE SENATE OF THE UNITED STATES

FEBRUARY 6, 1968

Mr. ELLENDER (by request) (for himself and Mr. MONTONA) introduced the following bill; which was read twice and referred to the Committee on Agriculture and Forestry

A BILL

To clarify and otherwise amend the Poultry Products Inspection Act, to provide for cooperation with appropriate State agencies with respect to State poultry products inspection programs, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Wholesome Poultry
4 Products Act".

5 SEC. 2. Section 2 of the Poultry Products Inspection
6 Act (71 Stat. 441, as amended; 21 U.S.C. 451) is hereby
7 amended to read:

8 "SEC. 2. Poultry and poultry products are an important
9 source of the Nation's total supply of food. They are con-

1 sumed throughout the Nation and the major portion thereof
2 moves in interstate or foreign commerce. It is essential in
3 the public interest that the health and welfare of consumers
4 be protected by assuring that poultry products distributed to
5 them are wholesome, not adulterated, and properly marked,
6 labeled, and packaged. Unwholesome, adulterated, or mis-
7 branded poultry products impair the effective regulation of
8 poultry products in interstate or foreign commerce, are in-
9 jurious to the public welfare, destroy markets for wholesome,
10 not adulterated, and properly labeled and packaged poultry
11 products, and result in sundry losses to poultry producers and
12 processors of poultry and poultry products, as well as injury
13 to consumers. The unwholesome, adulterated, mislabeled, or
14 deceptively packaged articles can be sold at lower prices and
15 complete unfairly with the wholesome, not adulterated, and
16 properly labeled and packaged articles, to the detriment of
17 consumers and the public generally. It is hereby found that
18 all articles and poultry which are regulated under this Act
19 are either in interstate or foreign commerce or substantially
20 affect such commerce, and that regulation by the Secretary
21 of Agriculture and cooperation by the States and other juris-
22 dictions as contemplated by this Act are appropriate to pre-
23 vent and eliminate burdens upon such commerce, to effec-
24 tively regulate such commerce, and to protect the health and
25 welfare of consumers.”

1 SEC. 3. Section 3 of said Act (21 U.S.C. 452) is hereby
2 amended to read:

3 “SEC. 3. It is hereby declared to be the policy of the Con-
4 gress to provide for the inspection of poultry and poultry
5 products and otherwise regulate the processing and distribu-
6 tion of such articles as hereinafter prescribed to prevent the
7 movement or sale in interstate or foreign commerce of, or
8 the burdening of such commerce by poultry products which
9 are adulterated or misbranded.”

10 SEC. 4. Section 4 of said Act (21 U.S.C. 453) is hereby
11 amended to read: “For purposes of this Act—

12 “(a) The term ‘commerce’ means commerce between
13 any State, any territory, or the District of Columbia, and
14 any place outside thereof; or within any territory not orga-
15 nized with a legislative body, or the District of Columbia.

16 “(b) Except as otherwise provided in this Act, the term
17 ‘State’ means any State of the United States and the Com-
18 monwealth of Puerto Rico.

19 “(c) The term ‘territory’ means Guam, the Virgin Is-
20 lands of the United States, American Samoa, and any other
21 territory or possession of the United States, excluding the
22 Canal Zone.

23 “(d) The term ‘United States’ means the States, the
24 District of Columbia, and the territories of the United States.

1 “(e) The term ‘poultry’ means any domesticated bird,
2 whether live or dead.

3 “(f) The term ‘poultry product’ means any poultry car-
4 cass, or part thereof; or any product which is made wholly or
5 in part from any poultry carcass or part thereof, excepting
6 products which contain poultry ingredients only in a rela-
7 tively small proportion or historically have not been consid-
8 ered by consumers as products of the poultry food industry,
9 and which are exempted by the Secretary from definition
10 as a poultry product under such conditions as the Secretary
11 may prescribe to assure that the poultry ingredients in such
12 products are not adulterated and that such products are not
13 represented as poultry products.

14 “(g) The term ‘adulterated’ shall apply to any poultry
15 product under one or more of the following circumstances:

16 “(1) if it bears or contains any poisonous or dele-
17 terious substance which may render it injurious to
18 health; but in case the substance is not an added sub-
19 stance, such article shall not be considered adulterated
20 under this clause if the quantity of such substance in or
21 on such article does not ordinarily render it injurious to
22 health;

23 “(2) (A) if it bears or contains (by reason of ad-
24 ministration of any substance to the live poultry or other-
25 wise) any added poisonous or added deleterious sub-

stance (other than one which is (i) a pesticide chemical in or on a raw agricultural commodity; (ii) a food additive; or (iii) a color additive) which may, in the judgment of the Secretary, make such article unfit for human food;

“(B) if it is, in whole or in part, a raw agricultural commodity and such commodity bears or contains a pesticide chemical which is unsafe within the meaning of section 408 of the Federal Food, Drug, and Cosmetic Act;

“(C) if it bears or contains any food additive which is unsafe within the meaning of section 409 of the Federal Food, Drug, and Cosmetic Act;

“(D) if it bears or contains any color additive which is unsafe within the meaning of section 706 of the Federal Food, Drug, and Cosmetic Act: *Provided*, That an article which is not otherwise deemed adulterated under clause (B), (C), or (D) shall nevertheless be deemed adulterated if use of the pesticide chemical, food additive, or color additive in or on such article is prohibited by regulations of the Secretary in official establishments;

“(3) if it consists in whole or in part of any filthy, putrid, or decomposed substance or is for any other rea-

1 son unsound, unhealthful, unwholesome, or otherwise
2 unfit for human food;

3 “(4) if it has been prepared, packed, or held under
4 insanitary conditions whereby it may have become con-
5 taminated with filth, or whereby it may have been ren-
6 dered injurious to health;

7 “(5) if it is, in whole or in part, the product of any
8 poultry which has died otherwise than by slaughter;

9 “(6) if its container is composed, in whole or in
10 part, of any poisonous or deleterious substance which
11 may render the contents injurious to health;

12 “(7) if it has been intentionally subjected to radia-
13 tion, unless the use of the radiation was in conformity
14 with a regulation or exemption in effect pursuant to sec-
15 tion 409 of the Federal Food, Drug, and Cosmetic
16 Act; or

17 “(8) if any valuable constituent has been in whole
18 or in part omitted or abstracted therefrom; or if any sub-
19 stance has been substituted, wholly or in part therefor;
20 or if damage or inferiority has been concealed in any
21 manner; or if any substance has been added thereto or
22 mixed or packed therewith so as to increase its bulk or
23 weight, or reduce its quality or strength, or make it
24 appear better or of greater value than it is.

1 “(h) The term ‘misbranded’ shall apply to any poultry
2 product under one or more of the following circumstances:

3 “(1) if its labeling is false or misleading in any
4 particular;

5 “(2) if it is offered for sale under the name of an-
6 other food;

7 “(3) if it is an imitation of another food, unless its
8 label bears, in type of uniform size and prominence, the
9 word ‘imitation’ and immediately thereafter, the name
10 of the food imitated;

11 “(4) if its container is so made, formed, or filled as
12 to be misleading;

13 “(5) unless it bears a label showing (A) the name
14 and the place of business of the manufacturer, packer,
15 or distributor; and (B) an accurate statement of the
16 quantity of the product in terms of weight, measure, or
17 numerical count: *Provided*, That under clause (B) of
18 this subparagraph (5), reasonable variations may be
19 permitted, and exemptions as to small packages or
20 articles not in packages or other containers may be estab-
21 lished by regulations prescribed by the Secretary;

22 “(6) if any word, statement, or other information
23 required by or under authority of this Act to appear on
24 the label or other labeling is not prominently placed

1 thereon with such conspicuousness (as compared with
2 other words, statements, designs, or devices, in the
3 labeling) and in such terms as to render it likely to be
4 read and understood by the ordinary individual under
5 customary conditions of purchase and use;

6 “(7) if it purports to be or is represented as a food
7 for which a definition and standard of identity or compo-
8 sition has been prescribed by regulations of the Secre-
9 tary under section 8 of this Act unless (A) it conforms
10 to such definition and standard, and (B) its label bears
11 the name of the food specified in the definition and stand-
12 ard and, insofar as may be required by such regulations,
13 the common names of optional ingredients (other than
14 spices, flavoring, and coloring) present in such food;

15 “(8) if it purports to be or is represented as a food
16 for which a standard or standards of fill of container have
17 been prescribed by regulations of the Secretary under
18 section 8 of this Act, and it falls below the standard of
19 fill of container applicable thereto, unless its label bears,
20 in such manner and form as such regulations specify, a
21 statement that it falls below such standard;

22 “(9) if it is not subject to the provisions of subpara-
23 graph (7), unless its label bears (A) the common or
24 usual name of the food, if any there be, and (B) in case
25 it is fabricated from two or more ingredients, the com-

mon or usual name of each such ingredient; except that spices, flavorings, and colorings may, when authorized by the Secretary, be designated as spices, flavorings, and colorings without naming each: *Provided*, That to the extent that compliance with the requirements of clause (B) of this subparagraph (9) is impracticable or results in deception or unfair competition, exemptions shall be established by regulations promulgated by the Secretary;

“(10) if it purports to be or is represented for special dietary uses unless its label bears such information concerning its vitamin, mineral, and other dietary properties as the Secretary, after consultation with the Secretary of Health, Education, and Welfare, determines to be, and by regulations prescribes as, necessary in order fully to inform purchasers as to its value for such uses;

“(11) if it bears or contains any artificial flavoring, artificial coloring, or chemical preservative, unless it bears labeling stating that fact: *Provided*, That, to the extent that compliance with the requirements of this subparagraph (11) is impracticable, exemptions shall be established by regulations promulgated by the Secretary; or

“(12) if it fails to bear, directly thereon and on its

1 containers, as the Secretary may by regulations pre-
2 scribe, the official inspection legend and official estab-
3 lishment number of the establishment where the article
4 was processed, and, unrestricted by any of the fore-
5 going, such other information as the Secretary may
6 require in such regulations to assure that it will not have
7 false or misleading labeling and that the public will be
8 informed of the manner of handling required to main-
9 tain the article in a wholesome condition.

10 “(i) The term ‘Secretary’ means the Secretary of Agri-
11 culture or his delegate.

12 “(j) The term ‘person’ means any individual, partner-
13 ship, corporation, association, or other business unit.

14 “(k) The term ‘inspector’ means: (1) an employee or
15 official of the United States Government authorized by the
16 Secretary to inspect poultry and poultry products under the
17 authority of this Act, or (2) any employee or official of the
18 government of any State or territory or the District of
19 Columbia authorized by the Secretary to inspect poultry and
20 poultry products under authority of this Act, under an agree-
21 ment entered into between the Secretary and the appropriate
22 State or other agency.

23 “(l) The term ‘official mark’ means the official inspec-
24 tion legend or any other symbol prescribed by regulations of

1 the Secretary to identify the status of any article or poultry
2 under this Act.

3 “(m) The term ‘official inspection legend’ means any
4 symbol prescribed by regulations of the Secretary showing
5 that an article was inspected and passed in accordance with
6 this Act, including any combined State-Federal official in-
7 spection legend prescribed by the Secretary under subpara-
8 graph 5 (c) (5) of this Act.

9 “(n) The term ‘official certificate’ means any certificate
10 prescribed by regulations of the Secretary for issuance by an
11 inspector or other person performing official functions under
12 this Act.

13 “(o) The term ‘official device’ means any device pre-
14 scribed or authorized by the Secretary for use in applying
15 any official mark.

16 “(p) The term ‘official establishment’ means any estab-
17 lishment as determined by the Secretary at which inspection
18 of the slaughter of poultry, or the processing of poultry prod-
19 ucts, is maintained under the authority of this Act.

20 “(q) The term ‘inspection service’ means the official
21 Government service within the Department of Agriculture
22 designated by the Secretary as having the responsibility for
23 carrying out the provisions of this Act.

1 “(r) The term ‘container’ or ‘package’ includes any box,
2 can, tin, cloth, plastic, or other receptacle, wrapper, or cover.

3 “(s) The term ‘label’ means a display of written,
4 printed, or graphic matter upon any article or the immediate
5 container (not including package liners) of any article; and
6 the term ‘labeling’ means all labels and other written,
7 printed, or graphic matter (1) upon any article or any of
8 its containers or wrappers, or (2) accompanying such
9 article.

10 “(t) The term ‘shipping container’ means any container
11 used or intended for use in packaging the product packed in
12 an immediate container.

13 “(u) The term ‘immediate container’ includes any con-
14 sumer package; or any other container in which poultry
15 products, not consumer packaged, are packed.

16 “(v) The term ‘capable of use as human food’ shall
17 apply to any carcass, or part or product of a carcass, of any
18 poultry, unless it is denatured or otherwise identified as re-
19 quired by regulations prescribed by the Secretary to deter its
20 use as human food, or it is naturally inedible by humans.

21 “(w) The term ‘processed’ means slaughtered, canned,
22 salted, stuffed, rendered, boned, cut up, or otherwise manu-
23 factured or processed.

24 “(x) The term ‘Federal Food, Drug, and Cosmetic
25 Act’ means the Act so entitled, approved June 25, 1938

1 (52 Stat. 1040), and Acts amendatory thereof or supple-
2 mentary thereto.

3 “(y) The terms ‘pesticide chemical’, ‘food additive’,
4 ‘color additive’, and ‘raw agricultural commodity’ shall have
5 the same meanings for purposes of this Act as under the
6 Federal Food, Drug, and Cosmetic Act.

7 “(z) The term ‘poultry products broker’ means any
8 person engaged in the business of buying or selling poultry
9 products on commission, or otherwise negotiating purchases
10 or sales of such articles other than for his own account or as
11 an employee of another person.

12 “(aa) The term ‘renderer’ means any person engaged
13 in the business of rendering carcasses, or parts or products
14 of the carcasses, of poultry, except rendering conducted
15 under inspection or exemption under this Act.

16 “(bb) The term ‘animal food manufacturer’ means any
17 person engaged in the business of manufacturing or process-
18 ing animal food derived wholly or in part from carcasses, or
19 parts or products of the carcasses, of poultry.”

20 SEC. 5. Section 5 of said Act (21 U.S.C. 454) is hereby
21 amended to read:

22 “SEC. 5. (a) It is the policy of the Congress to protect
23 the consuming public from poultry products that are adulter-
24 ated or misbranded and to assist in efforts by State and other

1 Government agencies to accomplish this objective. In fur-
2 therance of this policy—

3 “(1) The Secretary is authorized, whenever he
4 determines that it would effectuate the purposes of this
5 Act, to cooperate with the appropriate State agency in
6 developing and administering a State poultry product
7 inspection program in any State which has enacted a
8 State poultry product inspection law that imposes ante-
9 mortem and post-mortem inspection, reinspection and
10 sanitation requirements that are at least equal to those
11 under this Act, with respect to all or certain classes of
12 persons engaged in the State in slaughtering poultry or
13 processing poultry products for use as human food solely
14 for distribution within such State.

15 “(2) The Secretary is further authorized, whenever
16 he determines that it would effectuate the purposes of
17 this Act, to cooperate with appropriate State agencies
18 in developing and administering State programs under
19 State laws containing authorities at least equal to those
20 provided in section 11 of this Act; and to cooperate with
21 other agencies of the United States in carrying out any
22 provisions of this Act. In carrying out the provisions of
23 this Act, the Secretary may conduct such examinations,
24 investigations, and inspections as he determines practi-
25 cable through any officer or employee of any State or

1 Territory or the District of Columbia commissioned by
2 the Secretary for such purpose.

3 “(3) Cooperation with State agencies under this
4 section may include furnishing to the appropriate State
5 agency (i) advisory assistance in planning and otherwise
6 developing an adequate State program under the State
7 law; and (ii) technical and laboratory assistance and
8 training (including necessary curricular and instruc-
9 tional materials and equipment), and financial and other
10 aid for administration of such a program. The amount
11 to be contributed to any State by the Secretary under
12 this section from Federal funds for any year shall not
13 exceed 50 per centum of the estimated total cost of the
14 cooperative program; and the Federal funds shall be
15 allocated among the States desiring to cooperate on an
16 equitable basis. Such cooperation and payment shall be
17 contingent at all times upon the administration of the
18 State program in a manner which the Secretary, in con-
19 sultation with the appropriate advisory committee ap-
20 pointed under subparagraph (4), deems adequate to
21 effectuate the purposes of this section.

22 “(4) The Secretary may appoint advisory commit-
23 tees consisting of such representatives of appropriate
24 State agencies as the Secretary and the State agencies
25 may designate to consult with him concerning State

1 and Federal programs with respect to poultry product in-
2 spection and other matters within the scope of this Act,
3 including evaluating State programs for purposes of this
4 Act and obtaining better coordination and more uni-
5 formity among the State programs and between the Fed-
6 eral and State programs and adequate protection of
7 consumers.

8 “(b) The appropriate State agency with which the
9 Secretary may cooperate under this Act shall be a single
10 agency in the State which is primarily responsible for the
11 coordination of the State programs having objectives similar
12 to those under this Act. When the State program includes
13 performance of certain functions by a municipality or other
14 subordinate governmental unit, such unit shall be deemed to
15 be a part of the State agency for purposes of this section.

16 “(c) (1) If the Secretary has reason to believe, by
17 thirty days prior to the expiration of two years after enact-
18 ment of the Wholesome Poultry Products Act, that a State
19 has failed to develop or is not enforcing, with respect to all
20 establishments within its jurisdiction (except those that
21 would be exempted from Federal inspection under subpara-
22 graph (2) of this paragraph (c)) at which poultry are
23 slaughtered, or poultry products are processed for use as
24 human food, solely for distribution within such State, and the
25 products of such establishments, requirements at least equal

1 to those imposed under sections 1-4, 6-10, and 12-22 of this
2 Act, he shall promptly notify the Governor of the State of
3 this fact. If the Secretary determines, after consultation with
4 the Governor of the State, or representative selected by him,
5 that such requirements have not been developed and acti-
6 vated, he shall promptly after the expiration of such two-
7 year period designate such State as one in which the provi-
8 sions of said sections of this Act shall apply to operations
9 and transactions wholly within such State: *Provided*, That if
10 the Secretary has reason to believe that the State will acti-
11 vate such requirements within one additional year, he may
12 delay such designation for said period, and not designate the
13 State, if he determines at the end of the year that the State
14 then has such requirements in effective operation. The Secre-
15 tary shall publish any such designation in the Federal Regis-
16 ter and, upon the expiration of thirty days after such publi-
17 cation, the provisions of said sections of this Act shall apply
18 to operations and transactions and to persons engaged there-
19 in in the State to the same extent and in the same manner
20 as if such operations and transactions were conducted in or
21 for commerce. However, notwithstanding any other provi-
22 sion of this section, if the Secretary determines that any
23 establishment within a State is producing adulterated poul-
24 try products for distribution within such State which would

1 clearly endanger the public health he shall notify the Gover-
2 nor of the State and the appropriate advisory committee
3 provided for by subparagraph (a) (4) of this section of such
4 fact for effective action under State or local law. If the State
5 does not take action to prevent such endangering of the
6 public health within a reasonable time after such notice, as
7 determined by the Secretary, in light of the risk to public
8 health, the Secretary may forthwith designate any such
9 establishment as subject to the provisions of said sections of
10 this Act, and thereupon the establishment and operator
11 thereof shall be subject to such provisions as though engaged
12 in commerce until such time as the Secretary determines that
13 such State has developed and will enforce requirements at
14 least equal to those imposed under said sections.

15 “(2) The provisions of this Act requiring inspection of
16 the slaughter of poultry and the processing of poultry prod-
17 ucts shall not apply to operations of types traditionally and
18 usually conducted at retail stores and restaurants, when con-
19 ducted at any retail store or restaurant or similar retail-type
20 establishment for sale in normal retail quantities or service
21 of such articles to consumers at such establishments if such
22 establishments are subject to such inspection provisions only
23 under this paragraph (c).

24 “(3) Whenever the Secretary determines that any State
25 designated under this paragraph (c) has developed and will

1 enforce State poultry products inspection requirements at
2 least equal to those imposed under the aforesaid sections of
3 this Act, with respect to the operations and transactions
4 within such State which are regulated under subparagraph
5 (1) of this paragraph (c), he shall terminate the designation
6 of such State under this paragraph (c), but this shall not
7 preclude the subsequent redesignation of the State at any
8 time upon thirty days' notice to the Governor and publication
9 in the Federal Register in accordance with this paragraph,
10 and any State may be designated upon such notice and
11 publication, at any time after the period specified in this
12 paragraph whether or not the State has theretofore been
13 designated, upon the Secretary determining that it is not
14 effectively enforcing requirements at least equal to those
15 imposed under said sections.

16 “(4) The Secretary shall promptly upon enactment of
17 the Wholesome Poultry Products Act, and periodically
18 thereafter, review the requirements, including the enforce-
19 ment thereof, of the several States not designated under this
20 paragraph (c), with respect to the slaughter, and the proc-
21 essing, storage, handling, and distribution of poultry prod-
22 ucts, and inspection of such operations.

23 “(5) Poultry products processed under State inspection
24 at any establishment in any State, not designated under this

1 paragraph (c), in accordance with requirements which the
2 Secretary has determined are at least equal to those under
3 sections 1-4, 6-10, and 12-22 of this Act, shall be eligible
4 for distribution in commerce, upon the same basis as poultry
5 products inspected under this Act, when they are marked
6 under such supervision and other conditions as the Secretary
7 may by regulation prescribe, with a combined State-Federal
8 official inspection legend.

9 “(d) As used in this section, the term ‘State’ means
10 any State (including the Commonwealth of Puerto Rico) or
11 organized territory.”

12 SEC. 6. Section 6 of said Act (21 U.S.C. 455) is
13 hereby amended as follows:

14 (a) Paragraph (a) is amended to read:

15 “(a) For the purpose of preventing the entry into or
16 flow or movement in commerce of, or the burdening of
17 commerce by, any poultry product which is capable of use
18 as human food and is adulterated, the Secretary shall, where
19 and to the extent considered by him necessary, cause to be
20 made by inspectors ante mortem inspection of poultry in
21 each official establishment processing poultry or poultry
22 products for commerce or otherwise subject to inspection
23 under this Act.”

24 (b) Paragraph (b) is amended by deleting the phrase
25 “in, or for marketing in a designated city or area” and sub-

stituting the phrase “otherwise subject to inspection under this Act”; by inserting the word “and” before the word “reinspection”; and by inserting the phrase “capable of use as human food” after the phrase “poultry products” the first time the latter phrase appears in the paragraph.

(c) Paragraph (c) is amended by deleting the phrase “unwholesome or” and the phrase “not unwholesome and” each time they appear therein; and by inserting the word “other” before the phrase “poultry products”.

SEC. 7. In section 7 of said Act (21 U.S.C. 456) paragraph (a) is hereby amended by deleting the phrase “in or for marketing in a designated major consuming area” and substituting the phrase “otherwise subject to inspection under this Act”; by deleting the phrase “in a designated major consuming area” and substituting the phrase “burdensome effect upon commerce”; and by deleting the phrase “unwholesome or”.

SEC. 8. Section 8 of said Act (21 U.S.C. 457) is hereby amended to read:

“SEC. 8. (a) All poultry products inspected at any official establishment under the authority of this Act and found to be not adulterated, shall at the time they leave the establishment bear, in distinctly legible form, directly thereon and on their shipping containers and immediate containers, as

1 the Secretary may require, the information required under
2 paragraph (h) of section 4 of this Act.

3 “(b) The Secretary, whenever he determines such ac-
4 tion is necessary for the protection of the public, may pre-
5 scribe: (1) the styles and sizes of type to be used with respect
6 to material required to be incorporated in labeling to avoid
7 false or misleading labeling in marketing and labeling any
8 articles or poultry subject to this Act; (2) definitions and
9 standards of identity or composition or articles subject to this
10 Act and standards of fill of container for such articles not in-
11 consistent with any such standards established under the
12 Federal Food, Drug, and Cosmetic Act, and there shall be
13 consultation between the Secretary and the Secretary of
14 Health, Education, and Welfare prior to the issuance of such
15 standards under either Act relating to articles subject to this
16 Act to avoid inconsistency in such standards and possible
17 impairment of the coordinated effective administration of
18 these Acts. There shall also be consultation between the Sec-
19 retary and an appropriate advisory committee provided for
20 in section 5 of this Act, prior to the issuance of such stand-
21 ards under this Act, to avoid, insofar as feasible, inconsistency
22 between Federal and State standards.

23 “(c) No article subject to this Act shall be sold or offered
24 for sale by any person in commerce, under any name or
25 other marking or labeling which is false or misleading, or in

1 any container of a misleading form or size, but established
2 trade names and other marking and labeling and containers
3 which are not false or misleading and which are approved
4 by the Secretary are permitted.

5 “(d) If the Secretary has reason to believe that any
6 marking or labeling or the size or form of any container in
7 use or proposed for use with respect to any article subject
8 to this Act is false or misleading in any particular, he may
9 direct that such use be withheld unless the marking, label-
10 ing, or container is modified in such manner as he may pre-
11 scribe so that it will not be false or misleading. If the person
12 using or proposing to use the marking, labeling, or container
13 does not accept the determination of the Secretary, such
14 person may request a hearing, but the use of the marking,
15 labeling, or container shall, if the Secretary so directs, be
16 withheld pending hearing and final determination by the
17 Secretary. Any such determination by the Secretary shall
18 be conclusive unless, within thirty days after receipt of
19 notice of such final determination, the person adversely
20 affected thereby appeals to the United States court of ap-
21 peals for the circuit in which such person has its principal
22 place of business or to the United States Court of Appeals
23 for the District of Columbia Circuit. The provisions of sec-
24 tion 204 of the Packers and Stockyards Act, 1921 (42

1 Stat. 162, as amended; 7 U.S.C. 194), shall be applicable
2 to appeals taken under this section.”

3 SEC. 9. Section 9 of said Act (21 U.S.C. 458) is
4 amended to read:

5 “SEC. 9. (a) No person shall—

6 “(1) slaughter any poultry or process any poultry
7 products which are capable of use as human food at any
8 establishment processing any such articles for commerce,
9 except in compliance with the requirements of this Act;

10 “(2) sell, transport, offer for sale or transportation,
11 or receive for transportation, in commerce, (A) any
12 poultry products which are capable of use as human food
13 and are adulterated or misbranded at the time of such
14 sale, transportation, offer for sale or transportation, or
15 receipt for transportation; or (B) any poultry products
16 required to be inspected under this Act unless they have
17 been so inspected and passed;

18 “(3) do, with respect to any poultry products which
19 are capable of use as human food, any act while they
20 are being transported in commerce or held for sale after
21 such transportation, which is intended to cause or has
22 the effect of causing such products to be adulterated or
23 misbranded;

24 “(4) sell, transport, offer for sale or transporta-
25 tion, or receive for transportation, in commerce or from

1 an official establishment, any slaughtered poultry from
2 which the blood, feathers, feet, head, or viscera have
3 not been removed in accordance with regulations pro-
4 mulgated by the Secretary, except as may be authorized
5 by regulations of the Secretary;

6 “(5) use to his own advantage, or reveal other
7 than to the authorized representatives of the United
8 States Government or any State or other government
9 in their official capacity, or as ordered by a court in any
10 judicial proceedings, any information acquired under the
11 authority of this Act concerning any matter which is
12 entitled to protection as a trade secret.

13 “(b) No brand manufacturer, printer, or other person
14 shall cast, print, lithograph, or otherwise make any device
15 containing any official mark or simulation thereof, or any
16 label bearing any such mark or simulation, or any form of
17 official certificate or simulation thereof, except as authorized
18 by the Secretary.

19 “(c) No person shall—

20 “(1) forge any official device, mark, or certificate;

21 “(2) without authorization from the Secretary use
22 any official device, mark, or certificate, or simulation
23 thereof, or alter, detach, deface, or destroy any official
24 device, mark, or certificate;

25 “(3) contrary to the regulations prescribed by the

1 Secretary, fail to use, or to detach, deface, or destroy any
2 official device, mark, or certificate;

3 “(4) knowingly possess, without promptly notify-
4 ing the Secretary or his representative, any official de-
5 vice or any counterfeit, simulated, forged, or improperly
6 altered official certificate or any device or label or any
7 carcass of any poultry, or part or product thereof, bear-
8 ing any counterfeit, simulated, forged, or improperly
9 altered official mark;

10 “(5) knowingly make any false statement in any
11 shippers certificate or other nonofficial or official certi-
12 ficate provided for in the regulations prescribed by the
13 Secretary; or

14 “(6) knowingly represent that any article has been
15 inspected and passed, or exempted, under this Act when,
16 in fact, it has, respectively, not been so inspected and
17 passed, or exempted.”

18 SEC. 10. Section 10 of said Act (21 U.S.C. 459) is
19 hereby amended by deleting the phrase “in or for marketing
20 in a designated major consuming area” and substituting the
21 phrase “otherwise subject to this Act”.

22 SEC. 11. Section 11 of said Act (21 U.S.C. 460) is
23 hereby amended to read:

24 “(a) Inspection shall not be provided under this Act
25 at any establishment for the slaughter of poultry or the

1 processing of any carcasses or parts or products of poultry,
2 which are not intended for use as human food, but such
3 articles shall, prior to their offer for sale or transportation
4 in commerce, unless naturally inedible by humans, be de-
5 natured or otherwise identified as prescribed by regulations
6 of the Secretary to deter their use for human food. No person
7 shall buy, sell, transport, or offer for sale or transportation,
8 or receive for transportation, in commerce, or import, any
9 poultry carcasses or parts or products thereof which are not
10 intended for use as human food unless they are denatured or
11 otherwise identified as required by the regulations of the
12 Secretary or are naturally inedible by humans.

13 “(b) The following classes of persons shall, for such
14 period of time as the Secretary may by regulations prescribe,
15 keep such records as will fully and correctly disclose all
16 transactions involved in their businesses; and all persons sub-
17 ject to such requirements shall, at all reasonable times, upon
18 notice by a duly authorized representative of the Secretary,
19 afford such representative access to their places of business
20 and opportunity to examine the facilities, inventory, and
21 records thereof, to copy all such records, and to take reason-
22 able samples of their inventory upon payment of the fair
23 market value therefor—

24 “(1) Any person that engages in the business of
25 slaughtering any poultry or processing, freezing, packag-

1 ing, or labeling any carcasses, or parts or products of
2 carcasses, of any poultry, for commerce, for use as human
3 food or animal food;

4 “(2) Any person that engages in the business of
5 buying or selling (as poultry products brokers, whole-
6 salers or otherwise), or transporting, in commerce, or
7 storing in or for commerce, or importing, any carcasses,
8 or parts or products of carcasses, of any poultry;

9 “(3) Any person that engages in business, in or
10 for commerce, as a renderer, or engages in the business
11 of buying, selling, or transporting, in commerce, or im-
12 porting, any dead, dying, disabled, or diseased poultry
13 or parts of the carcasses of any poultry that died other-
14 wise than by slaughter.

15 “(c) No person shall engage in business, in or for com-
16 merce, as a poultry products broker, renderer, or animal food
17 manufacturer, or engage in business in commerce as a whole-
18 saler of any carcasses, or parts or products of the carcasses,
19 of any poultry, whether intended for human food or other
20 purposes, or engage in business as a public warehouseman
21 storing any such articles in or for commerce, or engage in
22 the business of buying, selling, or transporting in commerce,
23 or importing, any dead, dying, disabled, or diseased poultry,
24 or parts of the carcasses of any poultry that died otherwise
25 than by slaughter, unless, when required by regulations of

1 the Secretary, he has registered with the Secretary his name,
2 and the address of each place of business at which, and all
3 trade names under which, he conducts such business.

4 “(d) No person engaged in the business of buying, sell-
5 ing, or transporting in commerce, or importing, dead, dying,
6 disabled, or diseased poultry, or any parts of the carcasses of
7 any poultry that died otherwise than by slaughter, shall buy,
8 sell, transport, offer for sale or transportation, or receive for
9 transportation, in commerce, or import, any dead, dying, dis-
10 abled, or diseased poultry or parts of the carcasses of any
11 poultry that died otherwise than by slaughter, unless such
12 transaction, transportation or importation is made in accord-
13 ance with such regulations as the Secretary may prescribe to
14 assure that such poultry, or the unwholesome parts or prod-
15 ucts thereof, will be prevented from being used for human
16 food.

17 “(e) The authority conferred on the Secretary by para-
18 graph (b), (c), or (d) of this section with respect to per-
19 sons engaged in the specified kinds of business in or for
20 commerce may be exercised with respect to persons engaged,
21 in any State or organized territory, in such kinds of business
22 but not in or for commerce, whenever the Secretary deter-
23 mines, after consultation with an appropriate advisory com-
24 mittee provided for in section 5 of this Act, that the State or
25 territory does not have at least equal authority under its

1 laws or such authority is not exercised in a manner to effec-
2 tuate the purposes of this Act, including the State or territory
3 providing for the Secretary or his representative being af-
4 forced access to such places of business and the facilities,
5 inventories, and records thereof, and the taking of reasonable
6 samples, where he determines necessary in carrying out his
7 responsibilities under this Act; and in such case the pro-
8 visions of paragraph (b), (c), or (d) of this section, re-
9 spectively, shall apply to such persons to the same extent and
10 in the same manner as if they were engaged in such busi-
11 ness in or for commerce and the transactions involved were
12 in commerce.”

13 SEC. 12. Section 12 of said Act (21 U.S.C. 461) is
14 hereby amended as follows:

15 (a) Paragraph (a) is amended by changing the first
16 sentence to read:

17 “Any person who violates the provisions of section 9,
18 10, 11, 14, or 17 of this Act shall be fined not more than
19 \$1,000 or imprisoned not more than one year, or both;
20 but if such violation involves intent to defraud, or any dis-
21 tribution or attempted distribution of an article that is adulter-
22 ated (except as defined in section 4 (g) (8) of this Act),
23 such person shall be fined not more than \$10,000 or impris-
24 oned not more than three years, or both.”

25 (b) Paragraph (b) is amended by deleting the phrase

1 “not otherwise eligible” and substituting the phrase “other-
2 wise not eligible”; by deleting the word “slaughtered” each
3 time it appears; and by adding the following before the
4 period at the end of the paragraph: “or unless the carrier
5 refuses to furnish on request of a representative of the Secre-
6 tary the name and address of the person from whom he re-
7 ceived such poultry or poultry products, and copies of all
8 documents, if any there be, pertaining to the delivery of
9 the poultry or poultry products to such carrier”.

10 (c) A new paragraph (c) is added to read:

11 “(c) Any person who forcibly assaults, resists, opposes,
12 impedes, intimidates, or interferes with any person while
13 engaged in or on account of the performance of his official
14 duties under this Act shall be fined not more than \$5,000
15 or imprisoned not more than three years, or both. Who-
16 ever, in the commission of any such acts, uses a deadly or
17 dangerous weapon, shall be fined not more than \$10,000
18 or imprisoned not more than ten years, or both. Whoever
19 kills any person while engaged in or on account of the per-
20 formance of his official duties under this Act shall be punished
21 as provided under sections 1111 and 1114 of title 18,
22 United States Code.”

23 SEC. 13. Section 14 of said Act (21 U.S.C. 463) is
24 hereby amended by designating the present provisions thereof

1 as paragraph (b) ; by inserting the word “other” before the
2 word “rules” in said paragraph; and by adding a new para-
3 graph (a) to read:

4 “(a) The Secretary may by regulations prescribe con-
5 ditions under which poultry products capable of use as human
6 food, shall be stored or otherwise handled by any person en-
7 gaged in the business of buying, selling, freezing, storing, or
8 transporting, in or for commerce, or importing, such articles,
9 whenever the Secretary deems such action necessary to as-
10 sure that such articles will not be adulterated or misbranded
11 when delivered to the consumer. Violation of any such regu-
12 lation is prohibited. However, such regulations shall not
13 apply to the storage or handling of such articles at any retail
14 store or other establishment in any State or organized Terri-
15 tory that would be subject to this section only because of pur-
16 chases in commerce, if the storage and handling of such
17 articles at such establishment is regulated under the laws of
18 the State or Territory in which such establishment is located,
19 in a manner which the Secretary, after consultation with the
20 appropriate advisory committee provided for in section 5 of
21 this Act, determines is adequate to effectuate the purposes of
22 this section.”

23 SEC. 14. Section 15 of said Act (21 U.S.C. 464) is
24 hereby amended as follows:

25 (a) In paragraph (a), subparagraph (1) is deleted

1 and subparagraphs (2), (3), and (4) are redesignated,
2 respectively, as subparagraphs (1), (2), and (3) ;

3 (b) In paragraph (a), in redesignated subparagraph
4 (2) (formerly (3)), the date “July 1, 1960” is deleted and
5 the date “January 1, 1970” is substituted therefor ;

6 (c) Paragraph (b) is redesignated as paragraph (e)
7 and new paragraphs (b), (c), and (d) are added to read :

8 “(b) The Secretary may, under such sanitary conditions
9 as he may by regulations prescribe, exempt from the inspec-
10 tion requirements of this Act the slaughter of poultry, and
11 the processing of poultry products, by any person in any
12 Territory not organized with a legislative body, solely for
13 distribution within such Territory, when the Secretary deter-
14 mines that it is impracticable to provide such inspection with-
15 in the limits of funds appropriated for administration of this
16 Act and that such exemption will aid in the effective adminis-
17 tration of this Act.

18 “(c) The provisions of this Act requiring inspection of
19 the slaughter of poultry and the processing of poultry prod-
20 ucts at establishments conducting such operations for com-
21 merce shall not apply to the slaughtering by any person
22 of poultry of his own raising, and the processing by him
23 and transportation in commerce of the poultry products
24 exclusively for use by him and members of his household
25 and his nonpaying guests and employees ; nor to the custom

1 slaughter by any person of poultry delivered by the owner
2 thereof for such slaughter, and the processing by such
3 slaughterer and transportation in commerce of the poultry
4 products exclusively for use, in the household of such owner,
5 by him and members of his household and his nonpaying
6 guests and employees: *Provided*, That such custom slaugh-
7 terer does not engage in the business of buying or selling
8 any poultry products capable of use as human food.

9 “(d) The adulteration and misbranding provisions of
10 this Act, other than the requirement of the inspection legend,
11 shall apply to articles which are exempted from inspection
12 or not required to be inspected under this section, except
13 as otherwise specified under paragraph (a).”

14 SEC. 15. Section 16 of said Act (21 U.S.C. 465) is
15 hereby amended to read:

16 “SEC. 16. The Secretary may limit the entry of poultry
17 products and other materials into any official establishment,
18 under such conditions as he may prescribe to assure that
19 allowing the entry of such articles into such inspected estab-
20 lishments will be consistent with the purposes of this Act.”

21 SEC. 16. Section 17 of said Act (21 U.S.C. 466) is
22 hereby amended to read:

23 “SEC. 17. (a) No poultry products which are capable
24 of use as human food shall be imported into the United
25 States if such articles are adulterated or misbranded and un-

1 less they comply with all the inspection, building con-
2 struction standards, and all other provisions of this Act and
3 regulations issued thereunder applicable to such articles in
4 commerce within the United States. All such imported arti-
5 cles shall, upon entry into the United States, be deemed and
6 treated as domestic articles subject to the other provisions
7 of this Act and the Federal Food, Drug, and Cosmetic Act:
8 *Provided*, That they shall be marked and labeled as required
9 by such regulations for imported articles: *Provided further*,
10 That nothing in this section shall apply to any individual
11 who purchases poultry products outside the United States
12 for his own consumption except that the total amount of
13 such poultry products shall not exceed fifty pounds.

14 “(b) The Secretary may prescribe the terms and con-
15 ditions for the destruction of all such articles which are im-
16 ported contrary to this section, unless (1) they are exported
17 by the consignee within the time fixed therefor by the Secre-
18 tary, or (2) in the case of articles which are not in com-
19 pliance with the Act solely because of misbranding, such
20 articles are brought into compliance with the Act under
21 supervision of authorized representatives of the Secretary.

22 “(c) All charges for storage, cartage, and labor with
23 respect to any article which is imported contrary to this
24 section shall be paid by the owner or consignee, and in de-
25 fault of such payment shall constitute a lien against such

1 article and any other article thereafter imported under this
2 Act by or for such owner or consignee.

3 “(d) The knowing importation of any article contrary
4 to this section is prohibited.”

5 SEC. 17. Section 18 of said Act (21 U.S.C. 467) is
6 hereby amended to read:

7 “SEC. 18. (a) The Secretary may (for such period, or
8 indefinitely, as he deems necessary to effectuate the purposes
9 of this Act) refuse to provide, or withdraw, inspection service
10 under this Act with respect to any establishment if he de-
11 termines, after opportunity for a hearing is accorded to the
12 applicant for, or recipient of, such service, that such ap-
13 plicant or recipient is unfit to engage in any business re-
14 quiring inspection under this Act because the applicant or
15 recipient or anyone responsibly connected with the applicant
16 or recipient, has been convicted, in any Federal or State
17 court, within the previous ten years of (1) any felony or
18 more than one misdemeanor under any law based upon the
19 acquiring, handling, or distributing of adulterated, mislabeled,
20 or deceptively packaged food or fraud in connection with
21 transactions in food; or (2) any felony, involving fraud,
22 bribery, extortion, or any other act or circumstance indicating
23 a lack of the integrity needed for the conduct of operations
24 affecting the public health. For the purpose of this paragraph
25 a person shall be deemed to be responsibly connected with

1 the business if he was a partner, officer, director, holder, or
2 owner of 10 per centum or more of its voting stock or
3 employee in a managerial or executive capacity.

4 “(b) Upon the withdrawal of inspection service from
5 any official establishment for failure to destroy condemned
6 poultry products as required under section 6 of this Act, or
7 other failure of an official establishment to comply with the
8 requirements as to premises, facilities, or equipment, or the
9 operation thereof, as provided in section 7 of this Act, or the
10 refusal of inspection service to any applicant therefor be-
11 cause of failure to comply with any requirements under
12 section 7, the applicant for, or recipient of, the service shall,
13 upon request, be afforded opportunity for a hearing with
14 respect to the merits or validity of such action; but such
15 withdrawal or refusal shall continue in effect unless other-
16 wise ordered by the Secretary.

17 “(c) The determination and order of the Secretary
18 when made after opportunity for hearing, with respect to
19 withdrawal or refusal of inspection service under this Act
20 shall be final and conclusive unless the affected applicant for,
21 or recipient of, inspection service files application for judicial
22 review within thirty days after the effective date of such
23 order in the United States Court of Appeals as provided in
24 section 8 of this Act. Judicial review of any such order
25 shall be upon the record upon which the determination and

1 order are based. The provisions of section 204 of the
2 Packers and Stockyards Act of 1921, as amended, shall be
3 applicable to appeals taken under this section.”

4 SEC. 18. Sections 19 through 22 of said Act (21 U.S.C.
5 468, 469, 451 note) are hereby redesignated as sections 25
6 through 28, respectively, and new sections 19, 20, 21, 22,
7 23, and 24 are added to the Act to read, respectively:

8 “SEC. 19. Whenever any poultry product, or any prod-
9 uct exempted from the definition of a poultry product, or any
10 dead, dying, disabled, or diseased poultry is found by any
11 authorized representative of the Secretary upon any premises
12 where it is held for purposes of, or during or after distribution
13 in, commerce or otherwise subject to this Act, and there is
14 reason to believe that any such article is adulterated or mis-
15 branded and is capable of use as human food, or that it has
16 not been inspected, in violation of the provisions of this Act
17 or of any other Federal law or the laws of any State or
18 Territory, or the District of Columbia, or that it has been
19 or is intended to be, distributed in violation of any such
20 provisions, it may be detained by such representative for a
21 period not to exceed twenty days, pending action under
22 section 20 of this Act or notification of any Federal, State,
23 or other governmental authorities having jurisdiction over
24 such article or poultry, and shall not be moved by any person,
25 from the place at which it is located when so detained, until

1 released by such representative. All official marks may be
2 required by such representative to be removed from such
3 article or poultry before it is released unless it appears to
4 the satisfaction of the Secretary that the article or poultry is
5 eligible to retain such marks.

6 “SEC. 20. (a) Any poultry product, or any dead,
7 dying, disabled, or diseased poultry, that is being transported
8 in commerce or otherwise subject to this Act, or is held
9 for sale in the United States after such transportation, and
10 that (1) is or has been processed, sold, transported, or
11 otherwise distributed or offered or received for distribution
12 in violation of this Act, or (2) is capable of use as human
13 food and is adulterated or misbranded, or (3) in any other
14 way is in violation of this Act, shall be liable to be proceeded
15 against and seized and condemned, at any time, on a libel
16 of information in any United States district court or other
17 proper court as provided in section 21 of this Act within the
18 jurisdiction of which the article or poultry is found. If the
19 article or poultry is condemned it shall, after entry of the
20 decree, be disposed of by destruction or sale as the court
21 may direct and the proceeds, if sold, less the court costs and
22 fees, and storage and other proper expenses, shall be paid
23 into the Treasury of the United States, but the article or
24 poultry shall not be sold contrary to the provisions of this
25 Act, or the laws of the jurisdiction in which it is sold:

1 *Provided*, That upon the execution and delivery of a good
2 and sufficient bond conditioned that the article or poultry
3 shall not be sold or otherwise disposed of contrary to the
4 provisions of this Act, or the laws of the jurisdiction in which
5 disposal is made, the court may direct that such article or
6 poultry be delivered to the owner thereof subject to such
7 supervision by authorized representatives of the Secretary as
8 is necessary to insure compliance with the applicable laws.
9 When a decree of condemnation is entered against the article
10 or poultry and it is released under bond, or destroyed, court
11 costs and fees, and storage and other proper expenses shall
12 be awarded against the person, if any, intervening as claimant
13 of the article or poultry. The proceedings in such libel cases
14 shall conform, as nearly as may be, to the proceedings in
15 admiralty, except that either party may demand trial by
16 jury of any issue of fact joined in any case, and all such
17 proceedings shall be at the suit of and in the name of the
18 United States.

19 “(b) The provisions of this section shall in no way
20 derogate from authority for condemnation or seizure con-
21 ferred by other provisions of this Act, or other laws.

22 “SEC. 21. The United States district courts, the District
23 Court of Guam, the District Court of the Virgin Islands, the
24 highest court of American Samoa, and the United States
25 courts of the other territories, are vested with jurisdiction

1 specifically to enforce, and to prevent and restrain violations
2 of, this Act, and shall have jurisdiction in all other kinds of
3 cases arising under this Act, except as provided in section
4 8 (d) or 18 of this Act. All proceedings for the enforcement
5 or to restrain violations of this Act shall be by and in the
6 name of the United States. Subpenas for witnesses who are
7 required to attend a court of the United States, in any district,
8 may run into any other district in any such proceeding.

9 “SEC. 22. For the efficient administration and enforce-
10 ment of this Act, the provisions (including penalties) of
11 sections 6, 8, 9, and 10 of the Federal Trade Commission
12 Act, as amended (38 Stat. 721–723, as amended; 15 U.S.C.
13 46, 48, 49, and 50) (except paragraphs (c) through (h)
14 of section 6 and the last paragraph of section 9), and the
15 provisions of subsection 409 (1) of the Communications Act
16 of 1934 (48 Stat. 1096, as amended; 47 U.S.C. 409 (1)),
17 are made applicable to the jurisdiction, powers, and duties
18 of the Secretary in administering and enforcing the provi-
19 sions of this Act and to any person with respect to whom
20 such authority is exercised. The Secretary, in person or by
21 such agents as he may designate, may prosecute any inquiry
22 necessary to his duties under this Act in any part of the
23 United States, and the powers conferred by said sections 9
24 and 10 of the Federal Trade Commission Act as amended
25 on the district courts of the United States may be exercised

1 for the purposes of this Act by any court designated in section
2 21 of this Act.

3 “SEC. 23. Requirements within the scope of this Act
4 with respect to premises, facilities and operations of any
5 official establishment, which are in addition to, or different
6 than those made under this Act may not be imposed by any
7 State or Territory or the District of Columbia, except that
8 any such jurisdiction may impose recordkeeping and other
9 requirements within the scope of paragraph (b) of section
10 11 of this Act, if consistent therewith, with respect to any
11 such establishment. Marking, labeling, packaging, or ingredi-
12 ent requirements in addition to, or different than, those made
13 under this Act may not be imposed by any State or Territory
14 or the District of Columbia with respect to articles prepared
15 at any official establishment in accordance with the require-
16 ments under this Act, but any State or Territory or the Dis-
17 trict of Columbia may, consistent with the requirements
18 under this Act, exercise concurrent jurisdiction with the
19 Secretary over articles required to be inspected under this
20 Act, for the purpose of preventing the distribution for human
21 food purposes of any such articles which are adulterated or
22 misbranded and are outside of such an establishment, or, in
23 the case of imported articles which are not at such an estab-
24 lishment, after their entry into the United States. This Act
25 shall not preclude any State or Territory or the District of

1 Columbia from making requirement or taking other action,
2 consistent with this Act, with respect to any other matters
3 regulated under this Act.

4 “SEC. 24. (a) Poultry and poultry products shall be
5 exempt from the provisions of the Federal Food, Drug, and
6 Cosmetic Act to the extent of the application or extension
7 thereto of the provisions of this Act, except that the pro-
8 visions of this Act shall not derogate from any authority
9 conferred by the Federal Food, Drug, and Cosmetic Act
10 prior to enactment of the Wholesome Poultry Products Act.

11 “(b) The detainer authority conferred by section 19 of
12 this Act shall apply to any authorized representative of the
13 Secretary of Health, Education, and Welfare for purposes
14 of the enforcement of the Federal Food, Drug, and Cosmetic
15 Act with respect to any poultry carcass, or part or product
16 thereof, that is outside any official establishment, and for
17 such purposes the first reference to the Secretary in section
18 19 shall be deemed to refer to the Secretary of Health,
19 Education, and Welfare.”

20 SEC. 19. The heading “**Designation**” preceding sec-
21 tion 5 of said Act is hereby amended to read “**Federal**
22 **and State cooperation**”; the heading “**Labeling**” preceding
23 section 8 of said Act is hereby amended to read “**Labeling**
24 **and containers; standards**”; the heading “**Records of**
25 **interstate shipment**” preceding section 11 of said Act is

1 hereby amended to read “**Articles not intended for human**
2 **food; record and related requirements for processors of**
3 **poultry products and related industries engaged in com-**
4 **merce; registration requirements for related industries en-**
5 **gaged in commerce; regulation of transactions in com-**
6 **merce in dead, dying, disabled, or diseased poultry and**
7 **carcasses thereof; authority to regulate comparable intra-**
8 **state activities**”; and the heading “**Violations by exempted**
9 **persons**” preceding section 16 of said Act is hereby amended
10 to read “**Entry of materials into official establishments.**”

11 SEC. 20. If any provisions of this Act or of the amend-
12 ments made hereby or the application thereof to any person
13 or circumstances is held invalid, the validity of the remainder
14 of the Act and the remaining amendments and of the appli-
15 cation of such provision to other persons and circumstances
16 shall not be affected thereby.

17 SEC. 21. This Act shall become effective upon enact-
18 ment except as provided in paragraphs (a) through (c) :

19 (a) The provisions of subparagraphs (a) (2) (A) and
20 (a) (3) of section 9 of the Poultry Products Inspection Act
21 and the provisions of section 17 of said Act, as amended by
22 sections 9 and 16 of this Act, shall become effective upon the
23 expiration of sixty days after enactment hereof.

24 (b) Section 14 of this Act, amending section 15 of the

1 Poultry Products Inspection Act, shall become effective upon
2 the expiration of sixty days after enactment hereof.

3 (c) Paragraph 11 (d) of the Poultry Products Inspec-
4 tion Act, as added by section 11 of this Act, shall become
5 effective upon the expiration of sixty days after enactment
6 hereof.

S. 2932

To clarify and otherwise amend the Poultry Products Inspection Act, to provide for co-operation with appropriate State agencies with respect to State poultry products inspection programs, and for other purposes.

By Mr. ELLENDER and Mr. MONTORA

FEBRUARY 6, 1968

Read twice and referred to the Committee on
Agriculture and Forestry

90TH CONGRESS
2D SESSION

H. R. 15149

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 6, 1968

Mrs. SULLIVAN introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To modernize and improve the Poultry Products Inspection Act of 1957 to assure the wholesomeness of poultry sold only in intrastate commerce, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Wholesome Poultry
4 Products Act".

5 SEC. 2. Section 2 of the Poultry Products Inspection
6 Act (71 Stat. 441, as amended; 21 U.S.C. 451) is hereby
7 amended to read:

8 "SEC. 2. Poultry and poultry products are an important
9 source of the Nation's total supply of food. They are con-

1 sumed throughout the Nation and the major portion thereof
2 moves in interstate or foreign commerce. It is essential in
3 the public interest that the health and welfare of consumers
4 be protected by assuring that poultry products distributed to
5 them are wholesome, not adulterated, and properly marked,
6 labeled, and packaged. Unwholesome, adulterated, or mis-
7 branded poultry products impair the effective regulation of
8 poultry products in interstate or foreign commerce, are in-
9 jurious to the public welfare, destroy markets for wholesome,
10 not adulterated, and properly labeled and packaged poultry
11 products, and result in sundry losses to poultry producers and
12 processors of poultry and poultry products, as well as injury
13 to consumers. The unwholesome, adulterated, mislabeled, or
14 deceptively packaged articles can be sold at lower prices and
15 complete unfairly with the wholesome, not adulterated, and
16 properly labeled and packaged articles, to the detriment of
17 consumers and the public generally. It is hereby found that
18 all articles and poultry which are regulated under this Act
19 are either in interstate or foreign commerce or substantially
20 affect such commerce, and that regulation by the Secretary
21 of Agriculture and cooperation by the States and other juris-
22 dictions as contemplated by this Act are appropriate to pre-
23 vent and eliminate burdens upon such commerce, to effec-
24 tively regulate such commerce, and to protect the health and
25 welfare of consumers.”

1 SEC. 3. Section 3 of said Act (21 U.S.C. 452) is hereby
2 amended to read:

3 “SEC. 3. It is hereby declared to be the policy of the Con-
4 gress to provide for the inspection of poultry and poultry
5 products and otherwise regulate the processing and distribu-
6 tion of such articles as hereinafter prescribed to prevent the
7 movement or sale in interstate or foreign commerce of, or
8 the burdening of such commerce by poultry products which
9 are adulterated or misbranded.”

10 SEC. 4. Section 4 of said Act (21 U.S.C. 453) is hereby
11 amended to read: “For purposes of this Act—

12 “(a) The term ‘commerce’ means commerce between
13 any State, any territory, or the District of Columbia, and
14 any place outside thereof; or within any territory not orga-
15 nized with a legislative body, or the District of Columbia.

16 “(b) Except as otherwise provided in this Act, the term
17 ‘State’ means any State of the United States and the Com-
18 monwealth of Puerto Rico.

19 “(c) The term ‘territory’ means Guam, the Virgin Is-
20 lands of the United States, American Samoa, and any other
21 territory or possession of the United States, excluding the
22 Canal Zone.

23 “(d) The term ‘United States’ means the States, the
24 District of Columbia, and the territories of the United States.

1 “(e) The term ‘poultry’ means any domesticated bird,
2 whether live or dead.

3 “(f) The term ‘poultry product’ means any poultry car-
4 cass, or part thereof; or any product which is made wholly or
5 in part from any poultry carcass or part thereof, excepting
6 products which contain poultry ingredients only in a rela-
7 tively small proportion or historically have not been consid-
8 ered by consumers as products of the poultry food industry,
9 and which are exempted by the Secretary from definition
10 as a poultry product under such conditions as the Secretary
11 may prescribe to assure that the poultry ingredients in such
12 products are not adulterated and that such products are not
13 represented as poultry products.

14 “(g) The term ‘adulterated’ shall apply to any poultry
15 product under one or more of the following circumstances:

16 “(1) if it bears or contains any poisonous or dele-
17 terious substance which may render it injurious to
18 health; but in case the substance is not an added sub-
19 stance, such article shall not be considered adulterated
20 under this clause if the quantity of such substance in or
21 on such article does not ordinarily render it injurious to
22 health;

23 “(2) (A) if it bears or contains (by reason of ad-
24 ministration of any substance to the live poultry or other-
25 wise) any added poisonous or added deleterious sub-

stance (other than one which is (i) a pesticide chemical in or on a raw agricultural commodity; (ii) a food additive; or (iii) a color additive) which may, in the judgment of the Secretary, make such article unfit for human food;

“(B) if it is, in whole or in part, a raw agricultural commodity and such commodity bears or contains a pesticide chemical which is unsafe within the meaning of section 408 of the Federal Food, Drug, and Cosmetic Act;

“(C) if it bears or contains any food additive which is unsafe within the meaning of section 409 of the Federal Food, Drug, and Cosmetic Act;

“(D) if it bears or contains any color additive which is unsafe within the meaning of section 706 of the Federal Food, Drug, and Cosmetic Act: *Provided*, That an article which is not otherwise deemed adulterated under clause (B), (C), or (D) shall nevertheless be deemed adulterated if use of the pesticide chemical, food additive, or color additive in or on such article is prohibited by regulations of the Secretary in official establishments;

“(3) if it consists in whole or in part of any filthy, putrid, or decomposed substance or is for any other rea-

1 son unsound, unhealthful, unwholesome, or otherwise
2 unfit for human food;

3 “(4) if it has been prepared, packed, or held under
4 insanitary conditions whereby it may have become con-
5 taminated with filth, or whereby it may have been ren-
6 dered injurious to health;

7 “(5) if it is, in whole or in part, the product of any
8 poultry which has died otherwise than by slaughter;

9 “(6) if its container is composed, in whole or in
10 part, of any poisonous or deleterious substance which
11 may render the contents injurious to health;

12 “(7) if it has been intentionally subjected to radia-
13 tion, unless the use of the radiation was in conformity
14 with a regulation or exemption in effect pursuant to sec-
15 tion 409 of the Federal Food, Drug, and Cosmetic
16 Act; or

17 “(8) if any valuable constituent has been in whole
18 or in part omitted or abstracted therefrom; or if any sub-
19 stance has been substituted, wholly or in part therefor;
20 or if damage or inferiority has been concealed in any
21 manner; or if any substance has been added thereto or
22 mixed or packed therewith so as to increase its bulk or
23 weight, or reduce its quality or strength, or make it
24 appear better or of greater value than it is.

1 “(h) The term ‘misbranded’ shall apply to any poultry
2 product under one or more of the following circumstances:

3 “(1) if its labeling is false or misleading in any
4 particular;

5 “(2) if it is offered for sale under the name of an-
6 other food;

7 “(3) if it is an imitation of another food, unless its
8 label bears, in type of uniform size and prominence, the
9 word ‘imitation’ and immediately thereafter, the name
10 of the food imitated;

11 “(4) if its container is so made, formed, or filled as
12 to be misleading;

13 “(5) unless it bears a label showing (A) the name
14 and the place of business of the manufacturer, packer,
15 or distributor; and (B) an accurate statement of the
16 quantity of the product in terms of weight, measure, or
17 numerical count: *Provided*, That under clause (B) of
18 this subparagraph (5), reasonable variations may be
19 permitted, and exemptions as to small packages or
20 articles not in packages or other containers may be estab-
21 lished by regulations prescribed by the Secretary;

22 “(6) if any word, statement, or other information
23 required by or under authority of this Act to appear on
24 the label or other labeling is not prominently placed

1 thereon with such conspicuousness (as compared with
2 other words, statements, designs, or devices, in the
3 labeling) and in such terms as to render it likely to be
4 read and understood by the ordinary individual under
5 customary conditions of purchase and use;

6 “(7) if it purports to be or is represented as a food
7 for which a definition and standard of identity or compo-
8 sition has been prescribed by regulations of the Secre-
9 tary under section 8 of this Act unless (A) it conforms
10 to such definition and standard, and (B) its label bears
11 the name of the food specified in the definition and stand-
12 ard and, insofar as may be required by such regulations,
13 the common names of optional ingredients (other than
14 spices, flavoring, and coloring) present in such food;

15 “(8) if it purports to be or is represented as a food
16 for which a standard or standards of fill of container have
17 been prescribed by regulations of the Secretary under
18 section 8 of this Act, and it falls below the standard of
19 fill of container applicable thereto, unless its label bears,
20 in such manner and form as such regulations specify, a
21 statement that it falls below such standard;

22 “(9) if it is not subject to the provisions of subpara-
23 graph (7), unless its label bears (A) the common or
24 usual name of the food, if any there be, and (B) in case
25 it is fabricated from two or more ingredients, the com-

mon or usual name of each such ingredient; except that spices, flavorings, and colorings may, when authorized by the Secretary, be designated as spices, flavorings, and colorings without naming each: *Provided*, That to the extent that compliance with the requirements of clause (B) of this subparagraph (9) is impracticable or results in deception or unfair competition, exemptions shall be established by regulations promulgated by the Secretary;

“(10) if it purports to be or is represented for special dietary uses unless its label bears such information concerning its vitamin, mineral, and other dietary properties as the Secretary, after consultation with the Secretary of Health, Education, and Welfare, determines to be, and by regulations prescribes as, necessary in order fully to inform purchasers as to its value for such uses;

“(11) if it bears or contains any artificial flavoring, artificial coloring, or chemical preservative, unless it bears labeling stating that fact: *Provided*, That, to the extent that compliance with the requirements of this subparagraph (11) is impracticable, exemptions shall be established by regulations promulgated by the Secretary; or

“(12) if it fails to bear, directly thereon and on its

1 containers, as the Secretary may by regulations pre-
2 scribe, the official inspection legend and official estab-
3 lishment number of the establishment where the article
4 was processed, and, unrestricted by any of the fore-
5 going, such other information as the Secretary may
6 require in such regulations to assure that it will not have
7 false or misleading labeling and that the public will be
8 informed of the manner of handling required to main-
9 tain the article in a wholesome condition.

10 “(i) The term ‘Secretary’ means the Secretary of Agri-
11 culture or his delegate.

12 “(j) The term ‘person’ means any individual, partner-
13 ship, corporation, association, or other business unit.

14 “(k) The term ‘inspector’ means: (1) an employee or
15 official of the United States Government authorized by the
16 Secretary to inspect poultry and poultry products under the
17 authority of this Act, or (2) any employee or official of the
18 government of any State or territory or the District of
19 Columbia authorized by the Secretary to inspect poultry and
20 poultry products under authority of this Act, under an agree-
21 ment entered into between the Secretary and the appropriate
22 State or other agency.

23 “(l) The term ‘official mark’ means the official inspec-
24 tion legend or any other symbol prescribed by regulations of

1 the Secretary to identify the status of any article or poultry
2 under this Act.

3 “(m) The term ‘official inspection legend’ means any
4 symbol prescribed by regulations of the Secretary showing
5 that an article was inspected and passed in accordance with
6 this Act, including any combined State-Federal official in-
7 spection legend prescribed by the Secretary under subpara-
8 graph 5 (c) (5) of this Act.

9 “(n) The term ‘official certificate’ means any certificate
10 prescribed by regulations of the Secretary for issuance by an
11 inspector or other person performing official functions under
12 this Act.

13 “(o) The term ‘official device’ means any device pre-
14 scribed or authorized by the Secretary for use in applying
15 any official mark.

16 “(p) The term ‘official establishment’ means any estab-
17 lishment as determined by the Secretary at which inspection
18 of the slaughter of poultry, or the processing of poultry prod-
19 ucts, is maintained under the authority of this Act.

20 “(q) The term ‘inspection service’ means the official
21 Government service within the Department of Agriculture
22 designated by the Secretary as having the responsibility for
23 carrying out the provisions of this Act.

1 “(r) The term ‘container’ or ‘package’ includes any box,
2 can, tin, cloth, plastic, or other receptacle, wrapper, or cover.

3 “(s) The term ‘label’ means a display of written,
4 printed, or graphic matter upon any article or the immediate
5 container (not including package liners) of any article; and
6 the term ‘labeling’ means all labels and other written,
7 printed, or graphic matter (1) upon any article or any of
8 its containers or wrappers, or (2) accompanying such
9 article.

10 “(t) The term ‘shipping container’ means any container
11 used or intended for use in packaging the product packed in
12 an immediate container.

13 “(u) The term ‘immediate container’ includes any con-
14 sumer package; or any other container in which poultry
15 products, not consumer packaged, are packed.

16 “(v) The term ‘capable of use as human food’ shall
17 apply to any carcass, or part or product of a carcass, of any
18 poultry, unless it is denatured or otherwise identified as re-
19 quired by regulations prescribed by the Secretary to deter its
20 use as human food, or it is naturally inedible by humans.

21 “(w) The term ‘processed’ means slaughtered, canned,
22 salted, stuffed, rendered, boned, cut up, or otherwise manu-
23 factured or processed.

24 “(x) The term ‘Federal Food, Drug, and Cosmetic
25 Act’ means the Act so entitled, approved June 25, 1938

1 (52 Stat. 1040), and Acts amendatory thereof or supple-
2 mentary thereto.

3 “(y) The terms ‘pesticide chemical’, ‘food additive’,
4 ‘color additive’, and ‘raw agricultural commodity’ shall have
5 the same meanings for purposes of this Act as under the
6 Federal Food, Drug, and Cosmetic Act.

7 “(z) The term ‘poultry products broker’ means any
8 person engaged in the business of buying or selling poultry
9 products on commission, or otherwise negotiating purchases
10 or sales of such articles other than for his own account or as
11 an employee of another person.

12 “(aa) The term ‘renderer’ means any person engaged
13 in the business of rendering carcasses, or parts or products
14 of the carcasses, of poultry, except rendering conducted
15 under inspection or exemption under this Act.

16 “(bb) The term ‘animal food manufacturer’ means any
17 person engaged in the business of manufacturing or process-
18 ing animal food derived wholly or in part from carcasses, or
19 parts or products of the carcasses, of poultry.”

20 SEC. 5. Section 5 of said Act (21 U.S.C. 454) is hereby
21 amended to read:

22 “SEC. 5. (a) It is the policy of the Congress to protect
23 the consuming public from poultry products that are adulter-
24 ated or misbranded and to assist in efforts by State and other

1 Government agencies to accomplish this objective. In fur-
2 therance of this policy—

3 “(1) The Secretary is authorized, whenever he
4 determines that it would effectuate the purposes of this
5 Act, to cooperate with the appropriate State agency in
6 developing and administering a State poultry product
7 inspection program in any State which has enacted a
8 State poultry product inspection law that imposes ante-
9 mortem and post-mortem inspection, reinspection and
10 sanitation requirements that are at least equal to those
11 under this Act, with respect to all or certain classes of
12 persons engaged in the State in slaughtering poultry or
13 processing poultry products for use as human food solely
14 for distribution within such State.

15 “(2) The Secretary is further authorized, whenever
16 he determines that it would effectuate the purposes of
17 this Act, to cooperate with appropriate State agencies
18 in developing and administering State programs under
19 State laws containing authorities at least equal to those
20 provided in section 11 of this Act; and to cooperate with
21 other agencies of the United States in carrying out any
22 provisions of this Act. In carrying out the provisions of
23 this Act, the Secretary may conduct such examinations,
24 investigations, and inspections as he determines practi-
25 cable through any officer or employee of any State or

1 Territory or the District of Columbia commissioned by
2 the Secretary for such purpose.

3 “(3) Cooperation with State agencies under this
4 section may include furnishing to the appropriate State
5 agency (i) advisory assistance in planning and otherwise
6 developing an adequate State program under the State
7 law; and (ii) technical and laboratory assistance and
8 training (including necessary curricular and instruc-
9 tional materials and equipment), and financial and other
10 aid for administration of such a program. The amount
11 to be contributed to any State by the Secretary under
12 this section from Federal funds for any year shall not
13 exceed 50 per centum of the estimated total cost of the
14 cooperative program; and the Federal funds shall be
15 allocated among the States desiring to cooperate on an
16 equitable basis. Such cooperation and payment shall be
17 contingent at all times upon the administration of the
18 State program in a manner which the Secretary, in con-
19 sultation with the appropriate advisory committee ap-
20 pointed under subparagraph (4), deems adequate to
21 effectuate the purposes of this section.

22 “(4) The Secretary may appoint advisory commit-
23 tees consisting of such representatives of appropriate
24 State agencies as the Secretary and the State agencies
25 may designate to consult with him concerning State

1 and Federal programs with respect to poultry product in-
2 spection and other matters within the scope of this Act,
3 including evaluating State programs for purposes of this
4 Act and obtaining better coordination and more uni-
5 formity among the State programs and between the Fed-
6 eral and State programs and adequate protection of
7 consumers.

8 “(b) The appropriate State agency with which the
9 Secretary may cooperate under this Act shall be a single
10 agency in the State which is primarily responsible for the
11 coordination of the State programs having objectives similar
12 to those under this Act. When the State program includes
13 performance of certain functions by a municipality or other
14 subordinate governmental unit, such unit shall be deemed to
15 be a part of the State agency for purposes of this section.

16 “(c) (1) If the Secretary has reason to believe, by
17 thirty days prior to the expiration of two years after enact-
18 ment of the Wholesome Poultry Products Act, that a State
19 has failed to develop or is not enforcing, with respect to all
20 establishments within its jurisdiction (except those that
21 would be exempted from Federal inspection under subpara-
22 graph (2) of this paragraph (c)) at which poultry are
23 slaughtered, or poultry products are processed for use as
24 human food, solely for distribution within such State, and the
25 products of such establishments, requirements at least equal

1 to those imposed under sections 1-4, 6-10, and 12-22 of this
2 Act, he shall promptly notify the Governor of the State of
3 this fact. If the Secretary determines, after consultation with
4 the Governor of the State, or representative selected by him,
5 that such requirements have not been developed and acti-
6 vated, he shall promptly after the expiration of such two-
7 year period designate such State as one in which the provi-
8 sions of said sections of this Act shall apply to operations
9 and transactions wholly within such State: *Provided*, That if
10 the Secretary has reason to believe that the State will acti-
11 vate such requirements within one additional year, he may
12 delay such designation for said period, and not designate the
13 State, if he determines at the end of the year that the State
14 then has such requirements in effective operation. The Secre-
15 tary shall publish any such designation in the Federal Regis-
16 ter and, upon the expiration of thirty days after such publi-
17 cation, the provisions of said sections of this Act shall apply
18 to operations and transactions and to persons engaged there-
19 in in the State to the same extent and in the same manner
20 as if such operations and transactions were conducted in or
21 for commerce. However, notwithstanding any other provi-
22 sion of this section, if the Secretary determines that any
23 establishment within a State is producing adulterated poul-
24 try products for distribution within such State which would

1 clearly endanger the public health he shall notify the Gover-
2 nor of the State and the appropriate advisory committee
3 provided for by subparagraph (a) (4) of this section of such
4 fact for effective action under State or local law. If the State
5 does not take action to prevent such endangering of the
6 public health within a reasonable time after such notice, as
7 determined by the Secretary, in light of the risk to public
8 health, the Secretary may forthwith designate any such
9 establishment as subject to the provisions of said sections of
10 this Act, and thereupon the establishment and operator
11 thereof shall be subject to such provisions as though engaged
12 in commerce until such time as the Secretary determines that
13 such State has developed and will enforce requirements at
14 least equal to those imposed under said sections.

15 “(2) The provisions of this Act requiring inspection of
16 the slaughter of poultry and the processing of poultry prod-
17 ucts shall not apply to operations of types traditionally and
18 usually conducted at retail stores and restaurants, when con-
19 ducted at any retail store or restaurant or similar retail-type
20 establishment for sale in normal retail quantities or service
21 of such articles to consumers at such establishments if such
22 establishments are subject to such inspection provisions only
23 under this paragraph (c).

24 “(3) Whenever the Secretary determines that any State
25 designated under this paragraph (c) has developed and will

1 enforce State poultry products inspection requirements at
2 least equal to those imposed under the aforesaid sections of
3 this Act, with respect to the operations and transactions
4 within such State which are regulated under subparagraph
5 (1) of this paragraph (c), he shall terminate the designation
6 of such State under this paragraph (c), but this shall not
7 preclude the subsequent redesignation of the State at any
8 time upon thirty days' notice to the Governor and publication
9 in the Federal Register in accordance with this paragraph,
10 and any State may be designated upon such notice and
11 publication, at any time after the period specified in this
12 paragraph whether or not the State has theretofore been
13 designated, upon the Secretary determining that it is not
14 effectively enforcing requirements at least equal to those
15 imposed under said sections.

16 “(4) The Secretary shall promptly upon enactment of
17 the Wholesome Poultry Products Act, and periodically
18 thereafter, review the requirements, including the enforce-
19 ment thereof, of the several States not designated under this
20 paragraph (c), with respect to the slaughter, and the proc-
21 essing, storage, handling, and distribution of poultry prod-
22 ucts, and inspection of such operations.

23 “(5) Poultry products processed under State inspection
24 at any establishment in any State, not designated under this

1 paragraph (c), in accordance with requirements which the
2 Secretary has determined are at least equal to those under
3 sections 1-4, 6-10, and 12-22 of this Act, shall be eligible
4 for distribution in commerce, upon the same basis as poultry
5 products inspected under this Act, when they are marked
6 under such supervision and other conditions as the Secretary
7 may by regulation prescribe, with a combined State-Federal
8 official inspection legend.

9 “(d) As used in this section, the term ‘State’ means
10 any State (including the Commonwealth of Puerto Rico) or
11 organized territory.”

12 SEC. 6. Section 6 of said Act (21 U.S.C. 455) is
13 hereby amended as follows:

14 (a) Paragraph (a) is amended to read:

15 “(a) For the purpose of preventing the entry into or
16 flow or movement in commerce of, or the burdening of
17 commerce by, any poultry product which is capable of use
18 as human food and is adulterated, the Secretary shall, where
19 and to the extent considered by him necessary, cause to be
20 made by inspectors ante mortem inspection of poultry in
21 each official establishment processing poultry or poultry
22 products for commerce or otherwise subject to inspection
23 under this Act.”

24 (b) Paragraph (b) is amended by deleting the phrase
25 “in, or for marketing in a designated city or area” and sub-

stituting the phrase “otherwise subject to inspection under this Act”; by inserting the word “and” before the word “reinspection”; and by inserting the phrase “capable of use as human food” after the phrase “poultry products” the first time the latter phrase appears in the paragraph.

(c) Paragraph (c) is amended by deleting the phrase “unwholesome or” and the phrase “not unwholesome and” each time they appear therein; and by inserting the word “other” before the phrase “poultry products”.

SEC. 7. In section 7 of said Act (21 U.S.C. 456) paragraph (a) is hereby amended by deleting the phrase “in or for marketing in a designated major consuming area” and substituting the phrase “otherwise subject to inspection under this Act”; by deleting the phrase “in a designated major consuming area” and substituting the phrase “burdensome effect upon commerce”; and by deleting the phrase “unwholesome or”.

SEC. 8. Section 8 of said Act (21 U.S.C. 457) is hereby amended to read:

“SEC. 8. (a) All poultry products inspected at any official establishment under the authority of this Act and found to be not adulterated, shall at the time they leave the establishment bear, in distinctly legible form, directly thereon and on their shipping containers and immediate containers, as

1 the Secretary may require, the information required under
2 paragraph (h) of section 4 of this Act.

3 “(b) The Secretary, whenever he determines such ac-
4 tion is necessary for the protection of the public, may pre-
5 scribe: (1) the styles and sizes of type to be used with respect
6 to material required to be incorporated in labeling to avoid
7 false or misleading labeling in marketing and labeling any
8 articles or poultry subject to this Act; (2) definitions and
9 standards of identity or composition or articles subject to this
10 Act and standards of fill of container for such articles not in-
11 consistent with any such standards established under the
12 Federal Food, Drug, and Cosmetic Act, and there shall be
13 consultation between the Secretary and the Secretary of
14 Health, Education, and Welfare prior to the issuance of such
15 standards under either Act relating to articles subject to this
16 Act to avoid inconsistency in such standards and possible
17 impairment of the coordinated effective administration of
18 these Acts. There shall also be consultation between the Sec-
19 retary and an appropriate advisory committee provided for
20 in section 5 of this Act, prior to the issuance of such stand-
21 ards under this Act, to avoid, insofar as feasible, inconsistency
22 between Federal and State standards.

23 “(c) No article subject to this Act shall be sold or offered
24 for sale by any person in commerce, under any name or
25 other marking or labeling which is false or misleading, or in

1 any container of a misleading form or size, but established
2 trade names and other marking and labeling and containers
3 which are not false or misleading and which are approved
4 by the Secretary are permitted.

5 “(d) If the Secretary has reason to believe that any
6 marking or labeling or the size or form of any container in
7 use or proposed for use with respect to any article subject
8 to this Act is false or misleading in any particular, he may
9 direct that such use be withheld unless the marking, label-
10 ing, or container is modified in such manner as he may pre-
11 scribe so that it will not be false or misleading. If the person
12 using or proposing to use the marking, labeling, or container
13 does not accept the determination of the Secretary, such
14 person may request a hearing, but the use of the marking,
15 labeling, or container shall, if the Secretary so directs, be
16 withheld pending hearing and final determination by the
17 Secretary. Any such determination by the Secretary shall
18 be conclusive unless, within thirty days after receipt of
19 notice of such final determination, the person adversely
20 affected thereby appeals to the United States court of ap-
21 peals for the circuit in which such person has its principal
22 place of business or to the United States Court of Appeals
23 for the District of Columbia Circuit. The provisions of sec-
24 tion 204 of the Packers and Stockyards Act, 1921 (42

1 Stat. 162, as amended; 7 U.S.C. 194), shall be applicable
2 to appeals taken under this section.”

3 SEC. 9. Section 9 of said Act (21 U.S.C. 458) is
4 amended to read:

5 “SEC. 9. (a) No person shall—

6 “(1) slaughter any poultry or process any poultry
7 products which are capable of use as human food at any
8 establishment processing any such articles for commerce,
9 except in compliance with the requirements of this Act;

10 “(2) sell, transport, offer for sale or transportation,
11 or receive for transportation, in commerce, (A) any
12 poultry products which are capable of use as human food
13 and are adulterated or misbranded at the time of such
14 sale, transportation, offer for sale or transportation, or
15 receipt for transportation; or (B) any poultry products
16 required to be inspected under this Act unless they have
17 been so inspected and passed;

18 “(3) do, with respect to any poultry products which
19 are capable of use as human food, any act while they
20 are being transported in commerce or held for sale after
21 such transportation, which is intended to cause or has
22 the effect of causing such products to be adulterated or
23 misbranded;

24 “(4) sell, transport, offer for sale or transporta-
25 tion, or receive for transportation, in commerce or from

1 an official establishment, any slaughtered poultry from
2 which the blood, feathers, feet, head, or viscera have
3 not been removed in accordance with regulations pro-
4 mulgated by the Secretary, except as may be authorized
5 by regulations of the Secretary;

6 “(5) use to his own advantage, or reveal other
7 than to the authorized representatives of the United
8 States Government or any State or other government
9 in their official capacity, or as ordered by a court in any
10 judicial proceedings, any information acquired under the
11 authority of this Act concerning any matter which is
12 entitled to protection as a trade secret.

13 “(b) No brand manufacturer, printer, or other person
14 shall cast, print, lithograph, or otherwise make any device
15 containing any official mark or simulation thereof, or any
16 label bearing any such mark or simulation, or any form of
17 official certificate or simulation thereof, except as authorized
18 by the Secretary.

19 “(c) No person shall—

20 “(1) forge any official device, mark, or certificate;

21 “(2) without authorization from the Secretary use
22 any official device, mark, or certificate, or simulation
23 thereof, or alter, detach, deface, or destroy any official
24 device, mark, or certificate;

25 “(3) contrary to the regulations prescribed by the

1 Secretary, fail to use, or to detach, deface, or destroy any
2 official device, mark, or certificate;

3 “(4) knowingly possess, without promptly notify-
4 ing the Secretary or his representative, any official de-
5 vice or any counterfeit, simulated, forged, or improperly
6 altered official certificate or any device or label or any
7 carcass of any poultry, or part or product thereof, bear-
8 ing any counterfeit, simulated, forged, or improperly
9 altered official mark;

10 “(5) knowingly make any false statement in any
11 shippers certificate or other nonofficial or official certi-
12 ficate provided for in the regulations prescribed by the
13 Secretary; or

14 “(6) knowingly represent that any article has been
15 inspected and passed, or exempted, under this Act when,
16 in fact, it has, respectively, not been so inspected and
17 passed, or exempted.”

18 SEC. 10. Section 10 of said Act (21 U.S.C. 459) is
19 hereby amended by deleting the phrase “in or for marketing
20 in a designated major consuming area” and substituting the
21 phrase “otherwise subject to this Act”.

22 SEC. 11. Section 11 of said Act (21 U.S.C. 460) is
23 hereby amended to read:

24 “(a) Inspection shall not be provided under this Act
25 at any establishment for the slaughter of poultry or the

1 processing of any carcasses or parts or products of poultry,
2 which are not intended for use as human food, but such
3 articles shall, prior to their offer for sale or transportation
4 in commerce, unless naturally inedible by humans, be de-
5 natured or otherwise identified as prescribed by regulations
6 of the Secretary to deter their use for human food. No person
7 shall buy, sell, transport, or offer for sale or transportation,
8 or receive for transportation, in commerce, or import, any
9 poultry carcasses or parts or products thereof which are not
10 intended for use as human food unless they are denatured or
11 otherwise identified as required by the regulations of the
12 Secretary or are naturally inedible by humans.

13 “(b) The following classes of persons shall, for such
14 period of time as the Secretary may by regulations prescribe,
15 keep such records as will fully and correctly disclose all
16 transactions involved in their businesses; and all persons sub-
17 ject to such requirements shall, at all reasonable times, upon
18 notice by a duly authorized representative of the Secretary,
19 afford such representative access to their places of business
20 and opportunity to examine the facilities, inventory, and
21 records thereof, to copy all such records, and to take reason-
22 able samples of their inventory upon payment of the fair
23 market value therefor—

24 “(1) Any person that engages in the business of
25 slaughtering any poultry or processing, freezing, packag-

1 ing, or labeling any carcasses, or parts or products of
2 carcasses, of any poultry, for commerce, for use as human
3 food or animal food;

4 “(2) Any person that engages in the business of
5 buying or selling (as poultry products brokers, whole-
6 salers or otherwise), or transporting, in commerce, or
7 storing in or for commerce, or importing, any carcasses,
8 or parts or products of carcasses, of any poultry;

9 “(3) Any person that engages in business, in or
10 for commerce, as a renderer, or engages in the business
11 of buying, selling, or transporting, in commerce, or im-
12 porting, any dead, dying, disabled, or diseased poultry
13 or parts of the carcasses of any poultry that died other-
14 wise than by slaughter.

15 “(c) No person shall engage in business, in or for com-
16 merce, as a poultry products broker, renderer, or animal food
17 manufacturer, or engage in business in commerce as a whole-
18 saler of any carcasses, or parts or products of the carcasses,
19 of any poultry, whether intended for human food or other
20 purposes, or engage in business as a public warehouseman
21 storing any such articles in or for commerce, or engage in
22 the business of buying, selling, or transporting in commerce,
23 or importing, any dead, dying, disabled, or diseased poultry,
24 or parts of the carcasses of any poultry that died otherwise
25 than by slaughter, unless, when required by regulations of

1 the Secretary, he has registered with the Secretary his name,
2 and the address of each place of business at which, and all
3 trade names under which, he conducts such business.

4 “(d) No person engaged in the business of buying, sell-
5 ing, or transporting in commerce, or importing, dead, dying,
6 disabled, or diseased poultry, or any parts of the carcasses of
7 any poultry that died otherwise than by slaughter, shall buy,
8 sell, transport, offer for sale or transportation, or receive for
9 transportation, in commerce, or import, any dead, dying, dis-
10 abled, or diseased poultry or parts of the carcasses of any
11 poultry that died otherwise than by slaughter, unless such
12 transaction, transportation or importation is made in accord-
13 ance with such regulations as the Secretary may prescribe to
14 assure that such poultry, or the unwholesome parts or prod-
15 ucts thereof, will be prevented from being used for human
16 food.

17 “(e) The authority conferred on the Secretary by para-
18 graph (b), (c), or (d) of this section with respect to per-
19 sons engaged in the specified kinds of business in or for
20 commerce may be exercised with respect to persons engaged,
21 in any State or organized territory, in such kinds of business
22 but not in or for commerce, whenever the Secretary deter-
23 mines, after consultation with an appropriate advisory com-
24 mittee provided for in section 5 of this Act, that the State or
25 territory does not have at least equal authority under its

1 laws or such authority is not exercised in a manner to effec-
2 tuate the purposes of this Act, including the State or territory
3 providing for the Secretary or his representative being af-
4 forced access to such places of business and the facilities,
5 inventories, and records thereof, and the taking of reasonable
6 samples, where he determines necessary in carrying out his
7 responsibilities under this Act; and in such case the pro-
8 visions of paragraph (b), (c), or (d) of this section, re-
9 spectively, shall apply to such persons to the same extent and
10 in the same manner as if they were engaged in such busi-
11 ness in or for commerce and the transactions involved were
12 in commerce.”

13 SEC. 12. Section 12 of said Act (21 U.S.C. 461) is
14 hereby amended as follows:

15 (a) Paragraph (a) is amended by changing the first
16 sentence to read:

17 “Any person who violates the provisions of section 9,
18 10, 11, 14, or 17 of this Act shall be fined not more than
19 \$1,000 or imprisoned not more than one year, or both;
20 but if such violation involves intent to defraud, or any dis-
21 tribution or attempted distribution of an article that is adulter-
22 ated (except as defined in section 4 (g) (8) of this Act),
23 such person shall be fined not more than \$10,000 or impris-
24 oned not more than three years, or both.”

25 (b) Paragraph (b) is amended by deleting the phrase

1 “not otherwise eligible” and substituting the phrase “other-
2 wise not eligible”; by deleting the word “slaughtered” each
3 time it appears; and by adding the following before the
4 period at the end of the paragraph: “or unless the carrier
5 refuses to furnish on request of a representative of the Secre-
6 tary the name and address of the person from whom he re-
7 ceived such poultry or poultry products, and copies of all
8 documents, if any there be, pertaining to the delivery of
9 the poultry or poultry products to such carrier”.

10 (c) A new paragraph (c) is added to read:

11 “(c) Any person who forcibly assaults, resists, opposes,
12 impedes, intimidates, or interferes with any person while
13 engaged in or on account of the performance of his official
14 duties under this Act shall be fined not more than \$5,000
15 or imprisoned not more than three years, or both. Who-
16 ever, in the commission of any such acts, uses a deadly or
17 dangerous weapon, shall be fined not more than \$10,000
18 or imprisoned not more than ten years, or both. Whoever
19 kills any person while engaged in or on account of the per-
20 formance of his official duties under this Act shall be punished
21 as provided under sections 1111 and 1114 of title 18,
22 United States Code.”

23 SEC. 13. Section 14 of said Act (21 U.S.C. 463) is
24 hereby amended by designating the present provisions thereof

1 as paragraph (b) ; by inserting the word “other” before the
2 word “rules” in said paragraph; and by adding a new para-
3 graph (a) to read:

4 “(a) The Secretary may by regulations prescribe con-
5 ditions under which poultry products capable of use as human
6 food, shall be stored or otherwise handled by any person en-
7 gaged in the business of buying, selling, freezing, storing, or
8 transporting, in or for commerce, or importing, such articles,
9 whenever the Secretary deems such action necessary to as-
10 sure that such articles will not be adulterated or misbranded
11 when delivered to the consumer. Violation of any such regu-
12 lation is prohibited. However, such regulations shall not
13 apply to the storage or handling of such articles at any retail
14 store or other establishment in any State or organized Terri-
15 tory that would be subject to this section only because of pur-
16 chases in commerce, if the storage and handling of such
17 articles at such establishment is regulated under the laws of
18 the State or Territory in which such establishment is located,
19 in a manner which the Secretary, after consultation with the
20 appropriate advisory committee provided for in section 5 of
21 this Act, determines is adequate to effectuate the purposes of
22 this section.”

23 SEC. 14. Section 15 of said Act (21 U.S.C. 464) is
24 hereby amended as follows:

25 (a) In paragraph (a), subparagraph (1) is deleted

1 and subparagraphs (2), (3), and (4) are redesignated,
2 respectively, as subparagraphs (1), (2), and (3) ;

3 (b) In paragraph (a), in redesignated subparagraph
4 (2) (formerly (3)), the date "July 1, 1960" is deleted and
5 the date "January 1, 1970" is substituted therefor;

6 (c) Paragraph (b) is redesignated as paragraph (e)
7 and new paragraphs (b), (c), and (d) are added to read:

8 " (b) The Secretary may, under such sanitary conditions
9 as he may by regulations prescribe, exempt from the inspec-
10 tion requirements of this Act the slaughter of poultry, and
11 the processing of poultry products, by any person in any
12 Territory not organized with a legislative body, solely for
13 distribution within such Territory, when the Secretary deter-
14 mines that it is impracticable to provide such inspection with-
15 in the limits of funds appropriated for administration of this
16 Act and that such exemption will aid in the effective adminis-
17 tration of this Act.

18 " (c) The provisions of this Act requiring inspection of
19 the slaughter of poultry and the processing of poultry prod-
20 ucts at establishments conducting such operations for com-
21 merce shall not apply to the slaughtering by any person
22 of poultry of his own raising, and the processing by him
23 and transportation in commerce of the poultry products
24 exclusively for use by him and members of his household
25 and his nonpaying guests and employees; nor to the custom

1 slaughter by any person of poultry delivered by the owner
2 thereof for such slaughter, and the processing by such
3 slaughterer and transportation in commerce of the poultry
4 products exclusively for use, in the household of such owner,
5 by him and members of his household and his nonpaying
6 guests and employees: *Provided*, That such custom slaugh-
7 terer does not engage in the business of buying or selling
8 any poultry products capable of use as human food.

9 “(d) The adulteration and misbranding provisions of
10 this Act, other than the requirement of the inspection legend,
11 shall apply to articles which are exempted from inspection
12 or not required to be inspected under this section, except
13 as otherwise specified under paragraph (a).”

14 SEC. 15. Section 16 of said Act (21 U.S.C. 465) is
15 hereby amended to read:

16 “SEC. 16. The Secretary may limit the entry of poultry
17 products and other materials into any official establishment,
18 under such conditions as he may prescribe to assure that
19 allowing the entry of such articles into such inspected estab-
20 lishments will be consistent with the purposes of this Act.”

21 SEC. 16. Section 17 of said Act (21 U.S.C. 466) is
22 hereby amended to read:

23 “SEC. 17. (a) No poultry products which are capable
24 of use as human food shall be imported into the United
25 States if such articles are adulterated or misbranded and un-

1 less they comply with all the inspection, building con-
2 struction standards, and all other provisions of this Act and
3 regulations issued thereunder applicable to such articles in
4 commerce within the United States. All such imported arti-
5 cles shall, upon entry into the United States, be deemed and
6 treated as domestic articles subject to the other provisions
7 of this Act and the Federal Food, Drug, and Cosmetic Act:
8 *Provided*, That they shall be marked and labeled as required
9 by such regulations for imported articles: *Provided further*,
10 That nothing in this section shall apply to any individual
11 who purchases poultry products outside the United States
12 for his own consumption except that the total amount of
13 such poultry products shall not exceed fifty pounds.

14 “(b) The Secretary may prescribe the terms and con-
15 ditions for the destruction of all such articles which are im-
16 ported contrary to this section, unless (1) they are exported
17 by the consignee within the time fixed therefor by the Secre-
18 tary, or (2) in the case of articles which are not in com-
19 pliance with the Act solely because of misbranding, such
20 articles are brought into compliance with the Act under
21 supervision of authorized representatives of the Secretary.

22 “(c) All charges for storage, cartage, and labor with
23 respect to any article which is imported contrary to this
24 section shall be paid by the owner or consignee, and in de-
25 fault of such payment shall constitute a lien against such

1 article and any other article thereafter imported under this
2 Act by or for such owner or consignee.

3 “(d) The knowing importation of any article contrary
4 to this section is prohibited.”

5 SEC. 17. Section 18 of said Act (21 U.S.C. 467) is
6 hereby amended to read:

7 “SEC. 18. (a) The Secretary may (for such period, or
8 indefinitely, as he deems necessary to effectuate the purposes
9 of this Act) refuse to provide, or withdraw, inspection service
10 under this Act with respect to any establishment if he de-
11 termines, after opportunity for a hearing is accorded to the
12 applicant for, or recipient of, such service, that such ap-
13 plicant or recipient is unfit to engage in any business re-
14 quiring inspection under this Act because the applicant or
15 recipient or anyone responsibly connected with the applicant
16 or recipient, has been convicted, in any Federal or State
17 court, within the previous ten years of (1) any felony or
18 more than one misdemeanor under any law based upon the
19 acquiring, handling, or distributing of adulterated, mislabeled,
20 or deceptively packaged food or fraud in connection with
21 transactions in food; or (2) any felony, involving fraud,
22 bribery, extortion, or any other act or circumstance indicating
23 a lack of the integrity needed for the conduct of operations
24 affecting the public health. For the purpose of this paragraph
25 a person shall be deemed to be responsibly connected with

1 the business if he was a partner, officer, director, holder, or
2 owner of 10 per centum or more of its voting stock or
3 employee in a managerial or executive capacity.

4 “(b) Upon the withdrawal of inspection service from
5 any official establishment for failure to destroy condemned
6 poultry products as required under section 6 of this Act, or
7 other failure of an official establishment to comply with the
8 requirements as to premises, facilities, or equipment, or the
9 operation thereof, as provided in section 7 of this Act, or the
10 refusal of inspection service to any applicant therefor be-
11 cause of failure to comply with any requirements under
12 section 7, the applicant for, or recipient of, the service shall,
13 upon request, be afforded opportunity for a hearing with
14 respect to the merits or validity of such action; but such
15 withdrawal or refusal shall continue in effect unless other-
16 wise ordered by the Secretary.

17 “(c) The determination and order of the Secretary
18 when made after opportunity for hearing, with respect to
19 withdrawal or refusal of inspection service under this Act
20 shall be final and conclusive unless the affected applicant for,
21 or recipient of, inspection service files application for judicial
22 review within thirty days after the effective date of such
23 order in the United States Court of Appeals as provided in
24 section 8 of this Act. Judicial review of any such order
25 shall be upon the record upon which the determination and

1 order are based. The provisions of section 204 of the
2 Packers and Stockyards Act of 1921, as amended, shall be
3 applicable to appeals taken under this section.”

4 SEC. 18. Sections 19 through 22 of said Act (21 U.S.C.
5 468, 469, 451 note) are hereby redesignated as sections 25
6 through 28, respectively, and new sections 19, 20, 21, 22,
7 23, and 24 are added to the Act to read, respectively:

8 “SEC. 19. Whenever any poultry product, or any prod-
9 uct exempted from the definition of a poultry product, or any
10 dead, dying, disabled, or diseased poultry is found by any
11 authorized representative of the Secretary upon any premises
12 where it is held for purposes of, or during or after distribution
13 in, commerce or otherwise subject to this Act, and there is
14 reason to believe that any such article is adulterated or mis-
15 branded and is capable of use as human food, or that it has
16 not been inspected, in violation of the provisions of this Act
17 or of any other Federal law or the laws of any State or
18 Territory, or the District of Columbia, or that it has been
19 or is intended to be, distributed in violation of any such
20 provisions, it may be detained by such representative for a
21 period not to exceed twenty days, pending action under
22 section 20 of this Act or notification of any Federal, State,
23 or other governmental authorities having jurisdiction over
24 such article or poultry, and shall not be moved by any person,
25 from the place at which it is located when so detained, until

1 released by such representative. All official marks may be
2 required by such representative to be removed from such
3 article or poultry before it is released unless it appears to
4 the satisfaction of the Secretary that the article or poultry is
5 eligible to retain such marks.

6 “SEC. 20. (a) Any poultry product, or any dead,
7 dying, disabled, or diseased poultry, that is being transported
8 in commerce or otherwise subject to this Act, or is held
9 for sale in the United States after such transportation, and
10 that (1) is or has been processed, sold, transported, or
11 otherwise distributed or offered or received for distribution
12 in violation of this Act, or (2) is capable of use as human
13 food and is adulterated or misbranded, or (3) in any other
14 way is in violation of this Act, shall be liable to be proceeded
15 against and seized and condemned, at any time, on a libel
16 of information in any United States district court or other
17 proper court as provided in section 21 of this Act within the
18 jurisdiction of which the article or poultry is found. If the
19 article or poultry is condemned it shall, after entry of the
20 decree, be disposed of by destruction or sale as the court
21 may direct and the proceeds, if sold, less the court costs and
22 fees, and storage and other proper expenses, shall be paid
23 into the Treasury of the United States, but the article or
24 poultry shall not be sold contrary to the provisions of this
25 Act, or the laws of the jurisdiction in which it is sold:

1 *Provided*, That upon the execution and delivery of a good
2 and sufficient bond conditioned that the article or poultry
3 shall not be sold or otherwise disposed of contrary to the
4 provisions of this Act, or the laws of the jurisdiction in which
5 disposal is made, the court may direct that such article or
6 poultry be delivered to the owner thereof subject to such
7 supervision by authorized representatives of the Secretary as
8 is necessary to insure compliance with the applicable laws.
9 When a decree of condemnation is entered against the article
10 or poultry and it is released under bond, or destroyed, court
11 costs and fees, and storage and other proper expenses shall
12 be awarded against the person, if any, intervening as claimant
13 of the article or poultry. The proceedings in such libel cases
14 shall conform, as nearly as may be, to the proceedings in
15 admiralty, except that either party may demand trial by
16 jury of any issue of fact joined in any case, and all such
17 proceedings shall be at the suit of and in the name of the
18 United States.

19 “(b) The provisions of this section shall in no way
20 derogate from authority for condemnation or seizure con-
21 ferred by other provisions of this Act, or other laws.

22 “SEC. 21. The United States district courts, the District
23 Court of Guam, the District Court of the Virgin Islands, the
24 highest court of American Samoa, and the United States
25 courts of the other territories, are vested with jurisdiction

1 specifically to enforce, and to prevent and restrain violations
2 of, this Act, and shall have jurisdiction in all other kinds of
3 cases arising under this Act, except as provided in section
4 8 (d) or 18 of this Act. All proceedings for the enforcement
5 or to restrain violations of this Act shall be by and in the
6 name of the United States. Subpenas for witnesses who are
7 required to attend a court of the United States, in any district,
8 may run into any other district in any such proceeding.

9 “SEC. 22. For the efficient administration and enforce-
10 ment of this Act, the provisions (including penalties) of
11 sections 6, 8, 9, and 10 of the Federal Trade Commission
12 Act, as amended (38 Stat. 721-723, as amended; 15 U.S.C.
13 46, 48, 49, and 50) (except paragraphs (c) through (h)
14 of section 6 and the last paragraph of section 9), and the
15 provisions of subsection 409 (1) of the Communications Act
16 of 1934 (48 Stat. 1096, as amended; 47 U.S.C. 409 (1)),
17 are made applicable to the jurisdiction, powers, and duties
18 of the Secretary in administering and enforcing the provi-
19 sions of this Act and to any person with respect to whom
20 such authority is exercised. The Secretary, in person or by
21 such agents as he may designate, may prosecute any inquiry
22 necessary to his duties under this Act in any part of the
23 United States, and the powers conferred by said sections 9
24 and 10 of the Federal Trade Commission Act as amended
25 on the district courts of the United States may be exercised

1 for the purposes of this Act by any court designated in section
2 21 of this Act.

3 “SEC. 23. Requirements within the scope of this Act
4 with respect to premises, facilities and operations of any
5 official establishment, which are in addition to, or different
6 than those made under this Act may not be imposed by any
7 State or Territory or the District of Columbia, except that
8 any such jurisdiction may impose recordkeeping and other
9 requirements within the scope of paragraph (b) of section
10 11 of this Act, if consistent therewith, with respect to any
11 such establishment. Marking, labeling, packaging, or ingredi-
12 ent requirements in addition to, or different than, those made
13 under this Act may not be imposed by any State or Territory
14 or the District of Columbia with respect to articles prepared
15 at any official establishment in accordance with the require-
16 ments under this Act, but any State or Territory or the Dis-
17 trict of Columbia may, consistent with the requirements
18 under this Act, exercise concurrent jurisdiction with the
19 Secretary over articles required to be inspected under this
20 Act, for the purpose of preventing the distribution for human
21 food purposes of any such articles which are adulterated or
22 misbranded and are outside of such an establishment, or, in
23 the case of imported articles which are not at such an estab-
24 lishment, after their entry into the United States. This Act
25 shall not preclude any State or Territory or the District of

1 Columbia from making requirement or taking other action,
2 consistent with this Act, with respect to any other matters
3 regulated under this Act.

4 “SEC. 24. (a) Poultry and poultry products shall be
5 exempt from the provisions of the Federal Food, Drug, and
6 Cosmetic Act to the extent of the application or extension
7 thereto of the provisions of this Act, except that the pro-
8 visions of this Act shall not derogate from any authority
9 conferred by the Federal Food, Drug, and Cosmetic Act
10 prior to enactment of the Wholesome Poultry Products Act.

11 “(b) The detainer authority conferred by section 19 of
12 this Act shall apply to any authorized representative of the
13 Secretary of Health, Education, and Welfare for purposes
14 of the enforcement of the Federal Food, Drug, and Cosmetic
15 Act with respect to any poultry carcass, or part or product
16 thereof, that is outside any official establishment, and for
17 such purposes the first reference to the Secretary in section
18 19 shall be deemed to refer to the Secretary of Health,
19 Education, and Welfare.”

20 SEC. 19. The heading “**Designation**” preceding sec-
21 tion 5 of said Act is hereby amended to read “**Federal**
22 **and State cooperation**”; the heading “**Labeling**” preceding
23 section 8 of said Act is hereby amended to read “**Labeling**
24 **and containers; standards**”; the heading “**Records of**
25 **interstate shipment**” preceding section 11 of said Act is

1 hereby amended to read **“Articles not intended for human**
2 **food; record and related requirements for processors of**
3 **poultry products and related industries engaged in com-**
4 **merce; registration requirements for related industries en-**
5 **gaged in commerce; regulation of transactions in com-**
6 **merce in dead, dying, disabled, or diseased poultry and**
7 **carcasses thereof; authority to regulate comparable intra-**
8 **state activities”**; and the heading **“Violations by exempted**
9 **persons”** preceding section 16 of said Act is hereby amended
10 to read **“Entry of materials into official establishments.”**

11 SEC. 20. If any provisions of this Act or of the amend-
12 ments made hereby or the application thereof to any person
13 or circumstances is held invalid, the validity of the remainder
14 of the Act and the remaining amendments and of the appli-
15 cation of such provision to other persons and circumstances
16 shall not be affected thereby.

17 SEC. 21. This Act shall become effective upon enact-
18 ment except as provided in paragraphs (a) through (c) :

19 (a) The provisions of subparagraphs (a) (2) (A) and
20 (a) (3) of section 9 of the Poultry Products Inspection Act
21 and the provisions of section 17 of said Act, as amended by
22 sections 9 and 16 of this Act, shall become effective upon the
23 expiration of sixty days after enactment hereof.

24 (b) Section 14 of this Act, amending section 15 of the

1 Poultry Products Inspection Act, shall become effective upon
2 the expiration of sixty days after enactment hereof.

3 (c) Paragraph 11 (d) of the Poultry Products Inspec-
4 tion Act, as added by section 11 of this Act, shall become
5 effective upon the expiration of sixty days after enactment
6 hereof.

90TH CONGRESS
2d Session

H. R. 15149

A BILL

To modernize and improve the Poultry Products Inspection Act of 1957 to assure the wholesomeness of poultry sold only in intrastate commerce, and for other purposes.

By Mrs. SULLIVAN

FEBRUARY 6, 1968

Referred to the Committee on Agriculture

90TH CONGRESS
2D SESSION

H. R. 15154

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 6, 1968

Mr. POAGE introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To clarify and otherwise amend the Poultry Products Inspection Act, to provide for cooperation with appropriate State agencies with respect to State poultry products inspection programs, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Wholesome Poultry
4 Products Act".

5 SEC. 2. Section 2 of the Poultry Products Inspection Act
6 (71 Stat. 441, as amended; 21 U.S.C. 451) is hereby
7 amended to read:

8 "SEC. 2. Poultry and poultry products are an important
9 source of the Nation's total supply of food. They are con-

1 sumed throughout the Nation and the major portion thereof
2 moves in interstate or foreign commerce. It is essential in
3 the public interest that the health and welfare of consumers
4 be protected by assuring that poultry products distributed
5 to them are wholesome, not adulterated, and properly
6 marked, labeled, and packaged. Unwholesome, adulterated,
7 or misbranded poultry products impair the effective regula-
8 tion of poultry products in interstate or foreign commerce,
9 are injurious to the public welfare, destroy markets for
10 wholesome, not adulterated, and properly labeled and pack-
11 aged poultry products, and result in sundry losses to poultry
12 producers and processors of poultry and poultry products,
13 as well as injury to consumers. The unwholesome, adul-
14 terated, mislabeled, or deceptively packaged articles can be
15 sold at lower prices and compete unfairly with the whole-
16 some, not adulterated, and properly labeled and packaged
17 articles, to the detriment of consumers and the public gen-
18 erally. It is hereby found that all articles and poultry which
19 are regulated under this Act are either in interstate or foreign
20 commerce or substantially affect such commerce, and that
21 regulation by the Secretary of Agriculture and cooperation
22 by the States and other jurisdictions as contemplated by this
23 Act are appropriate to prevent and eliminate burdens upon
24 such commerce, to effectively regulate such commerce, and
25 to protect the health and welfare of consumers.”

1 SEC. 3. Section 3 of said Act (21 U.S.C. 452) is hereby
2 amended to read:

3 “SEC. 3. It is hereby declared to be the policy of the
4 Congress to provide for the inspection of poultry and poultry
5 products and otherwise regulate the processing and distribu-
6 tion of such articles as hereinafter prescribed to prevent the
7 movement or sale in interstate or foreign commerce of, or
8 the burdening of such commerce by, poultry products which
9 are adulterated or misbranded.”

10 SEC. 4. Section 4 of said Act (21 U.S.C. 453) is hereby
11 amended to read: “For purposes of this Act—

12 “(a) The term ‘commerce’ means commerce between
13 any State, any Territory, or the District of Columbia, and
14 any place outside thereof; or within any territory not
15 organized with a legislative body, or the District of Columbia.

16 “(b) Except as otherwise provided in this Act, the term
17 ‘State’ means any State of the United States and the Com-
18 monwealth of Puerto Rico.

19 “(c) The term ‘territory’ means Guam, the Virgin
20 Islands of the United States, American Samoa, and any
21 other territory or possession of the United States, excluding
22 the Canal Zone.

23 “(d) The term ‘United States’ means the States, the
24 District of Columbia, and the Territories of the United
25 States.

1 “(e) The term ‘poultry’ means any domesticated bird,
2 whether live or dead.

3 “(f) The term ‘poultry product’ means any poultry
4 carcass, or part thereof; or any product which is made
5 wholly or in part from any poultry carcass or part thereof,
6 excepting products which contain poultry ingredients only
7 in a relatively small proportion or historically have not
8 been considered by consumers as products of the poultry
9 food industry, and which are exempted by the Secretary
10 from definition as a poultry product under such conditions
11 as the Secretary may prescribe to assure that the poultry
12 ingredients in such products are not adulterated and that such
13 products are not represented as poultry products.

14 “(g) The term ‘adulterated’ shall apply to any poultry
15 product under one or more of the following circumstances:

16 “(1) if it bears or contains any poisonous or
17 deleterious substance which may render it injurious to
18 health; but in case the substance is not an added sub-
19 stance, such article shall not be considered adulterated
20 under this clause if the quantity of such substance in or
21 on such article does not ordinarily render it injurious
22 to health;

23 “(2) (A) if it bears or contains (by reason of ad-
24 ministration of any substance to the live poultry or other-
25 wise) any added poisonous or added deleterious sub-

1 stance (other than one which is (i) a pesticide chemical
2 in or on a raw agricultural commodity; (ii) a food addi-
3 tive; or (iii) a color additive) which may, in the
4 judgment of the Secretary, make such article unfit for
5 human food;

6 “(B) if it is, in whole or in part, a raw agricultural
7 commodity and such commodity bears or contains a
8 pesticide chemical which is unsafe within the meaning of
9 section 408 of the Federal Food, Drug, and Cosmetic
10 Act;

11 “(C) if it bears or contains any food additive which
12 is unsafe within the meaning of section 409 of the Fed-
13 eral Food, Drug, and Cosmetic Act;

14 “(D) if it bears or contains any color additive which
15 is unsafe within the meaning of section 706 of the
16 Federal Food, Drug, and Cosmetic Act: *Provided*, That
17 an article which is not otherwise deemed adulterated
18 under clause (B), (C), or (D) shall nevertheless be
19 deemed adulterated if use of the pesticide chemical, food
20 additive, or color additive in or on such article is prohib-
21 ited by regulations of the Secretary in official establish-
22 ments;

23 “(3) if it consists in whole or in part of any filthy,
24 putrid, or decomposed substance or is for any other

1 reason unsound, unhealthful, unwholesome, or otherwise
2 unfit for human food;

3 “(4) if it has been prepared, packed, or held under
4 insanitary conditions whereby it may have become con-
5 taminated with filth, or whereby it may have been ren-
6 dered injurious to health;

7 “(5) if it is, in whole or in part, the product of
8 any poultry which has died otherwise than by slaughter;

9 “(6) if its container is composed, in whole or in
10 part of any poisonous or deleterious substance which may
11 render the contents injurious to health;

12 “(7) if it has been intentionally subjected to radia-
13 tion, unless the use of the radiation was in conformity
14 with a regulation or exemption in effect pursuant to
15 section 409 of the Federal Food, Drug, and Cosmetic
16 Act; or

17 “(8) if any valuable constituent has been in whole
18 or in part omitted or abstracted therefrom; or if any
19 substance has been substituted, wholly or in part there-
20 for; or if damage or inferiority has been concealed in
21 any manner; or if any substance has been added thereto
22 or mixed or packed therewith so as to increase its bulk
23 or weight, or reduce its quality or strength, or make it
24 appear better or of greater value than it is.

1 “(h) The term ‘misbranded’ shall apply to any poultry
2 product under one or more of the following circumstances:

3 “(1) if its labeling is false or misleading in any
4 particular;

5 “(2) if it is offered for sale under the name of
6 another food;

7 “(3) if it is an imitation of another food, unless its
8 label bears, in type of uniform size and prominence, the
9 word ‘imitation’ and immediately thereafter, the name
10 of the food imitated;

11 “(4) if its container is so made, formed, or filled as
12 to be misleading;

13 “(5) unless it bears a label showing (A) the name
14 and the place of business of the manufacturer, packer,
15 or distributor; and (B) an accurate statement of the
16 quantity of the product in terms of weight, measure, or
17 numerical count: *Provided*, That under clause (B) of
18 this subparagraph (5), reasonable variations may be
19 permitted, and exemptions as to small packages or ar-
20 ticles not in packages or other containers may be estab-
21 lished by regulations prescribed by the Secretary;

22 “(6) if any word, statement, or other information
23 required by or under authority of this Act to appear on
24 the label or other labeling is not prominently placed

1 thereon with such conspicuousness (as compared with
2 other words, statements, designs, or devices, in the
3 labeling) and in such terms as to render it likely to be
4 read and understood by the ordinary individual under
5 customary conditions of purchase and use;

6 “(7) if it purports to be or is represented as a food
7 for which a definition and standard of identity or com-
8 position has been prescribed by regulations of the Sec-
9 retary under section 8 of this Act unless (A) it con-
10 forms to such definition and standard, and (B) its label
11 bears the name of the food specified in the definition and
12 standard and, insofar as may be required by such regu-
13 lations, the common names of optional ingredients
14 (other than spices, flavoring, and coloring) present in
15 such food;

16 “(8) if it purports to be or is represented as a food
17 for which a standard or standards of fill of container have
18 been prescribed by regulations of the Secretary under
19 section 8 of this Act, and it falls below the standard of
20 fill of container applicable thereto, unless its label bears,
21 in such manner and form as such regulations specify, a
22 statement that it falls below such standard;

23 “(9) if it is not subject to the provisions of subpara-
24 graph (7), unless its label bears (A) the common or
25 usual name of the food, if any there be, and (B) in case

1 it is fabricated from two or more ingredients, the com-
2 mon or usual name of each such ingredient; except that
3 spices, flavorings, and colorings may, when authorized
4 by the Secretary, be designated as spices, flavorings, and
5 colorings without naming each: *Provided*, That, to the
6 extent that compliance with the requirements of clause
7 (B) of this subparagraph (9) is impracticable, or re-
8 sults in deception or unfair competition, exemptions shall
9 be established by regulations promulgated by the Secre-
10 tary;

11 “(10) if it purports to be or is represented for
12 special dietary uses, unless its label bears such informa-
13 tion concerning its vitamin, mineral, and other dietary
14 properties as the Secretary, after consultation with the
15 Secretary of Health, Education, and Welfare, determines
16 to be, and by regulations prescribes as, necessary in order
17 fully to inform purchasers as to its value for such uses;

18 “(11) if it bears or contains any artificial flavoring,
19 artificial coloring, or chemical preservative, unless it
20 bears labeling stating that fact: *Provided*, That, to the
21 extent that compliance with the requirements of this
22 subparagraph (11) is impracticable, exemptions shall
23 be established by regulations promulgated by the Secre-
24 tary; or

1 “(12) if it fails to bear, directly thereon and on its
2 containers, as the Secretary may by regulations pre-
3 scribe, the official inspection legend and official estab-
4 lishment number of the establishment where the article
5 was processed, and, unrestricted by any of the foregoing,
6 such other information as the Secretary may require in
7 such regulations to assure that it will not have false or
8 misleading labeling and that the public will be informed
9 of the manner of handling required to maintain the
10 article in a wholesome condition.

11 “(i) The term ‘Secretary’ means the Secretary of Agri-
12 culture or his delegate.

13 “(j) The term ‘person’ means any individual, partner-
14 ship, corporation, association, or other business unit.

15 “(k) The term ‘inspector’ means: (1) an employee or
16 official of the United States Government authorized by the
17 Secretary to inspect poultry and poultry products under the
18 authority of this Act, or (2) any employee or official of the
19 Government of any State or Territory or the District of
20 Columbia authorized by the Secretary to inspect poultry and
21 poultry products under authority of this Act, under an agree-
22 ment entered into between the Secretary and the appropriate
23 State or other agency.

24 “(l) The term ‘official mark’ means the official inspec-
25 tion legend or any other symbol prescribed by regulations of

1 the Secretary to identify the status of any article or poultry
2 under this Act.

3 “(m) The term ‘official inspection legend’ means any
4 symbol prescribed by regulations of the Secretary showing
5 that an article was inspected and passed in accordance with
6 this Act.

7 “(n) The term ‘official certificate’ means any certificate
8 prescribed by regulations of the Secretary for issuance by an
9 inspector or other person performing official functions under
10 this Act.

11 “(o) The term ‘official device’ means any device pre-
12 scribed or authorized by the Secretary for use in applying
13 any official mark.

14 “(p) The term ‘official establishment’ means any estab-
15 lishment as determined by the Secretary at which inspection
16 of the slaughter of poultry, or the processing of poultry prod-
17 ucts, is maintained under the authority of this Act.

18 “(q) The term ‘inspection service’ means the official
19 Government service within the Department of Agriculture
20 designated by the Secretary as having the responsibility for
21 carrying out the provisions of this Act.

22 “(r) The term ‘container’ or ‘package’ includes any
23 box, can, tin, cloth, plastic, or other receptacle, wrapper, or
24 cover.

25 “(s) The term ‘label’ means a display of written,

1 printed, or graphic matter upon any article or the immediate
2 container (not including package liners) of any article;
3 and the term 'labeling' means all labels and other written,
4 printed, or graphic matter (1) upon any article or any of
5 its containers or wrappers, or (2) accompanying such
6 article.

7 “(t) The term 'shipping container' means any container
8 used or intended for use in packaging the product packed
9 in an immediate container.

10 “(u) The term 'immediate container' includes any con-
11 sumer package; or any other container in which poultry
12 products, not consumer packaged, are packed.

13 “(v) The term 'capable of use as human food' shall
14 apply to any carcass, or part or product of a carcass, of any
15 poultry, unless it is denatured or otherwise identified as
16 required by regulations prescribed by the Secretary to deter
17 its use as human food, or it is naturally inedible by humans.

18 “(w) The term 'processed' means slaughtered, canned,
19 salted, stuffed, rendered, boned, cut up, or otherwise manu-
20 factured or processed.

21 “(x) The term 'Federal Food, Drug, and Cosmetic
22 Act' means the Act so entitled, approved June 25, 1938
23 (52 Stat. 1040), and Acts amendatory thereof or supple-
24 mentary thereto.

25 “(y) The terms 'pesticide chemical', 'food additive',

1 ‘color additive’, and ‘raw agricultural commodity’ shall have
2 the same meanings for purposes of this Act as under the
3 Federal Food, Drug, and Cosmetic Act.

4 “(z) The term ‘poultry products broker’ means any
5 person engaged in the business of buying or selling poultry
6 products on commission, or otherwise negotiating purchases
7 or sales of such articles other than for his own account or as
8 an employee of another person.

9 “(aa) The term ‘renderer’ means any person engaged
10 in the business of rendering carcasses, or parts or products
11 of the carcasses, of poultry, except rendering conducted
12 under inspection or exemption under this Act.

13 “(bb) The term ‘animal food manufacturer’ means any
14 person engaged in the business of manufacturing or processing
15 animal food derived wholly or in part from carcasses, or
16 parts or products of the carcasses, of poultry.”

17 SEC. 5. Section 5 of said Act (21 U.S.C. 454) is
18 hereby amended to read:

19 “SEC. 5. (a) It is the policy of the Congress to protect
20 the consuming public from poultry products that are adulter-
21 ated or misbranded and to assist in efforts by State and other
22 government agencies to accomplish this objective. In fur-
23 therance of this policy—

24 “(1) The Secretary is authorized, whenever he
25 determines that it would effectuate the purposes of this

1 Act, to cooperate with the appropriate State agency in
2 developing and administering a State poultry product
3 inspection program in any State which has enacted a
4 State poultry product inspection law that imposes ante-
5 mortem and postmortem inspection, reinspection, and
6 sanitation requirements that are at least equal to those
7 under this Act, with respect to all or certain classes of
8 persons engaged in the State in slaughtering poultry or
9 processing poultry products for use as human food solely
10 for distribution within such State.

11 “(2) The Secretary is further authorized, when-
12 ever he determines that it would effectuate the purposes
13 of this Act, to cooperate with appropriate State agencies
14 in developing and administering State programs under
15 State laws containing authorities at least equal to those
16 provided in section 11 of this Act; and to cooperate
17 with other agencies of the United States in carrying
18 out any provisions of this Act. In carrying out the pro-
19 visions of this Act, the Secretary may conduct such
20 examinations, investigations, and inspections as he de-
21 termines practicable through any officer or employee
22 of any State or territory or the District of Columbia
23 commissioned by the Secretary for such purpose.

24 “(3) Cooperation with State agencies under this
25 section may include furnishing to the appropriate State

1 agency (i) advisory assistance in planning and other-
2 wise developing an adequate State program under the
3 State law; and (ii) technical and laboratory assistance
4 and training (including necessary curricular and instruc-
5 tional materials and equipment), and financial and other
6 aid for administration of such a program. The amount
7 to be contributed to any State by the Secretary under
8 this section from Federal funds for any year shall not
9 exceed 50 per centum of the estimated total cost of the
10 cooperative program; and the Federal funds shall be
11 allocated among the States desiring to cooperate on an
12 equitable basis. Such cooperation and payment shall be
13 contingent at all times upon the administration of the
14 State program in a manner which the Secretary, in con-
15 sultation with the appropriate advisory committee ap-
16 pointed under subparagraph (4), deems adequate to
17 effectuate the purposes of this section.

18 “(4) The Secretary may appoint advisory com-
19 mittees consisting of such representatives of appropriate
20 State agencies as the Secretary and the State agencies
21 may designate to consult with him concerning State
22 and Federal programs with respect to poultry product
23 inspection and other matters within the scope of this
24 Act, including evaluating State programs for purposes of

1 this Act and obtaining better coordination and more uni-
2 formity among the State programs and between the
3 Federal and State programs and adequate protection of
4 consumers.

5 “(b) The appropriate State agency with which the
6 Secretary may cooperate under this Act shall be a single
7 agency in the State which is primarily responsible for the
8 coordination of the State programs having objectives similar
9 to those under this Act. When the State program includes
10 performance of certain functions by a municipality or other
11 subordinate governmental unit, such unit shall be deemed to
12 be a part of the State agency for purposes of this section.

13 “(c) As used in this section, the term ‘State’ means any
14 State (including the Commonwealth of Puerto Rico) or
15 organized territory.”

16 SEC. 6. Section 6 of said Act (21 U.S.C. 455) is here-
17 by amended as follows:

18 (a) Paragraph (a) is amended to read:

19 “(a) For the purpose of preventing the entry into or
20 flow or movement in commerce of, or the burdening of com-
21 merce by, any poultry product which is capable of use as
22 human food and is adulterated, the Secretary shall, where and
23 to the extent considered by him necessary, cause to be made
24 by inspectors ante mortem inspection of poultry in each
25 official establishment processing poultry or poultry products

1 for commerce or otherwise subject to inspection under this
2 Act.”

3 (b) Paragraph (b) is amended by deleting the phrase
4 “in, or for marketing in a designated city or area” and sub-
5 stituting the phrase “otherwise subject to inspection under
6 this Act”; by inserting the word “and” before the word
7 “reinspection”; and by inserting the phrase “capable of use
8 as human food” after the phrase “poultry products” the
9 first time the latter phrase appears in the paragraph.

10 (c) Paragraph (c) is amended by deleting the phrase
11 “unwholesome or” and the phrase “not unwholesome and”
12 each time they appear therein; and by inserting the word
13 “other” before the phrase “poultry products”.

14 SEC. 7. In section 7 of said Act (21 U.S.C. 456) para-
15 graph (a) is hereby amended by deleting the phrase “in or
16 for marketing in a designated major consuming area” and
17 substituting the phrase “otherwise subject to inspection under
18 this Act”; by deleting the phrase “in a designated major
19 consuming area” and substituting the phrase “burdensome
20 effect upon commerce”; and by deleting the phrase “un-
21 wholesome or”.

22 SEC. 8. Section 8 of said Act (21 U.S.C. 457) is hereby
23 amended to read:

24 “SEC. 8. (a) All poultry products inspected at any

1 official establishment under the authority of this Act and
2 found to be not adulterated, shall at the time they leave the
3 establishment bear, in distinctly legible form, directly thereon
4 and on their shipping containers and immediate containers,
5 as the Secretary may require, the information required under
6 paragraph (h) of section 4 of this Act.

7 “(b) The Secretary, whenever he determines such
8 action is necessary for the protection of the public, may
9 prescribe: (1) the styles and sizes of type to be used with
10 respect to material required to be incorporated in labeling
11 to avoid false or misleading labeling in marketing and label-
12 ing any articles or poultry subject to this Act; (2) defini-
13 tions and standards of identity or composition for articles
14 subject to this Act and standards of fill of container for
15 such articles not inconsistent with any such standards estab-
16 lished under the Federal Food, Drug, and Cosmetic Act,
17 and there shall be consultation between the Secretary and
18 the Secretary of Health, Education, and Welfare prior to
19 the issuance of such standards under either Act relating to
20 articles subject to this Act to avoid inconsistency in such
21 standards and possible impairment of the coordinated effec-
22 tive administration of these Acts. There shall also be consul-
23 tation between the Secretary and an appropriate advisory
24 committee provided for in section 5 of this Act, prior to the
25 issuance of such standards under this Act, to avoid, insofar

1 as feasible, inconsistency between Federal and State
2 standards.

3 “(c) No article subject to this Act shall be sold or offered
4 for sale by any person in commerce, under any name or other
5 marking or labeling which is false or misleading, or in any
6 container of a misleading form or size, but established trade
7 names and other marking and labeling and containers which
8 are not false or misleading and which are approved by the
9 Secretary are permitted.

10 “(d) If the Secretary has reason to believe that any
11 marking or labeling or the size or form of any container in
12 use or proposed for use with respect to any article subject to
13 this Act is false or misleading in any particular, he may direct
14 that such use be withheld unless the marking, labeling, or
15 container is modified in such manner as he may prescribe so
16 that it will not be false or misleading. If the person using or
17 proposing to use the marking, labeling, or container does not
18 accept the determination of the Secretary, such person may
19 request a hearing, but the use of the marking, labeling, or
20 container shall, if the Secretary so directs, be withheld pend-
21 ing hearing and final determination by the Secretary. Any
22 such determination by the Secretary shall be conclusive
23 unless, within thirty days after receipt of notice of such final
24 determination, the person adversely affected thereby appeals

1 to the United States court of appeals for the circuit in which
2 such person has its principal place of business or to the
3 United States Court of Appeals for the District of Columbia
4 Circuit. The provisions of section 204 of the Packers and
5 Stockyards Act, 1921 (42 Stat. 162, as amended; 7 U.S.C.
6 194) , shall be applicable to appeals taken under this section.”

7 SEC. 9. Section 9 of said Act (21 U.S.C. 458) is
8 amended to read:

9 “SEC. 9. (a) No person shall—

10 “(1) slaughter any poultry or process any poultry
11 products which are capable of use as human food at any
12 establishment processing any such articles for commerce,
13 except in compliance with the requirements of this Act;

14 “(2) sell, transport, offer for sale or transportation,
15 or receive for transportation, in commerce, (A) any
16 poultry products which are capable of use as human
17 food and are adulterated or misbranded at the time of
18 such sale, transportation, offer for sale or transportation,
19 or receipt for transportation; or (B) any poultry prod-
20 ucts required to be inspected under this Act unless they
21 have been so inspected and passed;

22 “(3) do, with respect to any poultry products which
23 are capable of use as human food, any act while they are
24 being transported in commerce or held for sale after
25 such transportation, which is intended to cause or has

1 the effect of causing such products to be adulterated or
2 misbranded;

3 “(4) sell, transport, offer for sale or transportation,
4 or receive for transportation, in commerce or from an
5 official establishment, any slaughtered poultry from
6 which the blood, feathers, feet, head, or viscera have
7 not been removed in accordance with regulations promul-
8 gated by the Secretary, except as may be authorized
9 by regulations of the Secretary;

10 “(5) use to his own advantage, or reveal other than
11 to the authorized representatives of the United States
12 Government or any State or other Government in their
13 official capacity, or as ordered by a court in any judicial
14 proceeding, any information acquired under the authority
15 of this Act concerning any matter which is entitled to
16 protection as a trade secret.

17 “(b) No brand manufacturer, printer, or other person
18 shall cast, print, lithograph, or otherwise make any device
19 containing any official mark or simulation thereof, or any
20 label bearing any such mark or simulation, or any form of
21 official certificate or simulation thereof, except as authorized
22 by the Secretary.

23 “(c) No person shall—

24 “(1) forge any official device, mark, or certificate;

1 “(2) without authorization from the Secretary use
2 any official device, mark, or certificate, or simulation
3 thereof, or alter, detach, deface, or destroy any official
4 device, mark, or certificate;

5 “(3) contrary to the regulations prescribed by the
6 Secretary, fail to use, or to detach, deface, or destroy
7 any official device, mark, or certificate;

8 “(4) knowingly possess, without promptly notify-
9 ing the Secretary or his representative, any official
10 device or any counterfeit, simulated, forged, or improp-
11 erly altered official certificate or any device or label or
12 any carcass of any poultry, or part or product thereof,
13 bearing any counterfeit, simulated, forged, or improp-
14 erly altered official mark;

15 “(5) knowingly make any false statement in any
16 shipper’s certificate or other nonofficial or official certifi-
17 cate provided for in the regulations prescribed by the
18 Secretary; or

19 “(6) knowingly represent that any article has been
20 inspected and passed, or exempted, under this Act when,
21 in fact, it has, respectively, not been so inspected and
22 passed, or exempted.”

23 SEC. 10. Section 10 of said Act (21 U.S.C. 459) is
24 hereby amended by deleting the phrase “in or for market-

1 ing in a designated major consuming area” and substituting
2 the phrase “otherwise subject to this Act”.

3 SEC. 11. Section 11 of said Act (21 U.S.C. 460) is
4 hereby amended to read:

5 “(a) Inspection shall not be provided under this Act
6 at any establishment for the slaughter of poultry or the
7 processing of any carcasses or parts or products of poultry,
8 which are not intended for use as human food, but such
9 articles shall, prior to their offer for sale or transportation
10 in commerce, unless naturally inedible by humans, be de-
11 natured or otherwise identified as prescribed by regulations
12 of the Secretary to deter their use for human food. No person
13 shall buy, sell, transport, or offer for sale or transportation,
14 or receive for transportation, in commerce, or import, any
15 poultry carcasses, or parts or products thereof which are not
16 intended for use as human food unless they are denatured
17 or otherwise identified as required by the regulations of the
18 Secretary or are naturally inedible by humans.

19 “(b) The following classes of persons shall, for such
20 period of time as the Secretary may by regulations prescribe,
21 keep such records as will fully and correctly disclose all
22 transactions involved in their businesses; and all persons
23 subject to such requirements shall, at all reasonable times,
24 upon notice by a duly authorized representative of the

1 Secretary, afford such representative access to their places
2 of business and opportunity to examine the facilities, inven-
3 tory, and records thereof, to copy all such records, and to
4 take reasonable samples of their inventory upon payment
5 of the fair market value therefor—

6 “(1) Any person that engages in the business of
7 slaughtering any poultry or processing, freezing, pack-
8 aging, or labeling any carcasses, or parts or products of
9 carcasses, of any poultry, for commerce, for use as hu-
10 man food or animal food;

11 “(2) Any person that engages in the business of
12 buying or selling (as poultry products brokers, whole-
13 salers, or otherwise), or transporting, in commerce, or
14 storing in or for commerce, or importing, any carcasses,
15 or parts or products of carcasses, of any poultry;

16 “(3) Any person that engages in business, in or for
17 commerce, as a renderer, or engages in the business of
18 buying, selling, or transporting, in commerce, or import-
19 ing, any dead, dying, disabled, or diseased poultry or
20 parts of the carcasses of any poultry that died otherwise
21 than by slaughter.

22 “(c) No person shall engage in business, in or for com-
23 merce, as a poultry products broker, renderer, or animal
24 food manufacturer, or engage in business in commerce as a
25 wholesaler of any carcasses, or parts or products of the car-

1 casses, of any poultry, whether intended for human food or
2 other purposes, or engage in business as a public warehouse-
3 man storing any such articles in or for commerce, or engage
4 in the business of buying, selling, or transporting in com-
5 merce, or importing, any dead, dying, disabled, or diseased
6 poultry, or parts of the carcasses of any poultry that died
7 otherwise than by slaughter, unless, when required by regu-
8 lations of the Secretary, he has registered with the Secretary
9 his name, and the address of each place of business at which,
10 and all trade names under which, he conducts such business.

11 “(d) No person engaged in the business of buying,
12 selling, or transporting in commerce, or importing, dead,
13 dying, disabled, or diseased poultry, or any parts of the
14 carcasses of any poultry that died otherwise than by
15 slaughter, shall buy, sell, transport, offer for sale or transpor-
16 tation, or receive for transportation, in commerce, or import,
17 any dead, dying, disabled, or diseased poultry or parts of
18 the carcasses of any poultry that died otherwise than by
19 slaughter, unless such transaction, transportation or impor-
20 tation is made in accordance with such regulations as the
21 Secretary may prescribe to assure that such poultry, or the
22 unwholesome parts or products thereof, will be prevented
23 from being used for human food.

24 “(e) The authority conferred on the Secretary by
25 paragraph (b), (c), or (d) of this section with respect to

1 persons engaged in the specified kinds of business in or for
2 commerce may be exercised with respect to persons engaged,
3 in any State or organized territory, in such kinds of business
4 but not in or for commerce, whenever the Secretary deter-
5 mines, after consultation with an appropriate advisory com-
6 mittee provided for in section 5 of this Act, that the State
7 or territory does not have at least equal authority under
8 its laws or such authority is not exercised in a manner to
9 effectuate the purposes of this Act, including the State or
10 territory providing for the Secretary or his representative
11 being afforded access to such places of business and the
12 facilities, inventories, and records thereof, and the taking
13 of reasonable samples, where he determines necessary in
14 carrying out his responsibilities under this Act; and in such
15 case the provisions of paragraph (b), (c), or (d) of this
16 section, respectively, shall apply to such persons to the
17 same extent and in the same manner as if they were engaged
18 in such business in or for commerce and the transactions
19 involved were in commerce.”

20 SEC. 12. Section 12 of said Act (21 U.S.C. 461) is
21 hereby amended as follows:

22 (a) Paragraph (a) is amended by changing the first
23 sentence to read: “Any person who violates the provisions of
24 section 9, 10, 11, 14, or 17 of this Act shall be fined not
25 more than \$1,000 or imprisoned not more than one year, or

1 both; but if such violation involves intent to defraud, or any
2 distribution or attempted distribution of an article that is adul-
3 terated (except as defined in section 4 (g) (8) of this Act),
4 such person shall be fined not more than \$10,000 or im-
5 prisoned not more than three years, or both.”

6 (b) Paragraph (b) is amended by deleting the phrase
7 “not otherwise eligible” and substituting the phrase “other-
8 wise not eligible”; by deleting the word “slaughtered” each
9 time it appears; and by adding the following before the
10 period at the end of the paragraph: “or unless the carrier
11 refuses to furnish on request of a representative of the Sec-
12 retary the name and address of the person from whom he
13 received such poultry or poultry products, and copies of all
14 documents, if any there be, pertaining to the delivery of the
15 poultry or poultry products to such carrier”.

16 (c) A new paragraph (c) is added to read:

17 “(c) Any person who forcibly assaults, resists, opposes,
18 impedes, intimidates, or interferes with any person while
19 engaged in or on account of the performance of his official
20 duties under this Act shall be fined not more than \$5,000
21 or imprisoned not more than three years, or both. Whoever,
22 in the commission of any such acts, uses a deadly or danger-
23 ous weapon, shall be fined not more than \$10,000 or im-
24 prisoned not more than ten years, or both. Whoever kills
25 any person while engaged in or on account of the perform-

1 ance of his official duties under this Act shall be punished
2 as provided under sections 1111 and 1114 of title 18, United
3 States Code.”

4 SEC. 13. Section 14 of said Act (21 U.S.C. 463) is
5 hereby amended by designating the present provisions thereof
6 as paragraph (b) ; by inserting the word “other” before the
7 word “rules” in said paragraph; and by adding a new para-
8 graph (a) to read:

9 “(a) The Secretary may by regulations prescribe condi-
10 tions under which poultry products capable of use as human
11 food, shall be stored or otherwise handled by any person
12 engaged in the business of buying, selling, freezing, storing,
13 or transporting, in or for commerce, or importing, such arti-
14 cles, whenever the Secretary deems such action necessary
15 to assure that such articles will not be adulterated or mis-
16 branded when delivered to the consumer. Violation of any
17 such regulation is prohibited. However, such regulations shall
18 not apply to the storage or handling of such articles at any
19 retail store or other establishment in any State or organized
20 territory that would be subject to this section only because
21 of purchases in commerce, if the storage and handling of such
22 articles at such establishment is regulated under the laws of
23 the State or territory in which such establishment is located,
24 in a manner which the Secretary, after consultation with the
25 appropriate advisory committee provided for in section 5

1 of this Act, determines is adequate to effectuate the purposes
2 of this section.”

3 SEC. 14. Section 15 of said Act (21 U.S.C. 464) is
4 hereby amended as follows:

5 (a) In paragraph (a), subparagraph (1) is deleted
6 and subparagraphs (2), (3), and (4) are redesignated, re-
7 spectively, as subparagraphs (1), (2), and (3);

8 (b) In paragraph (a), in redesignated subparagraph
9 (2) (formerly (3)), the date “July 1, 1960” is deleted
10 and the date “January 1, 1970” is substituted therefor;

11 (c) Paragraph (b) is redesignated as paragraph (c)
12 and new paragraphs (b), (c), and (d) are added to read:

13 “(b) The Secretary may, under such sanitary conditions
14 as he may by regulations prescribe, exempt from the inspec-
15 tion requirements of this Act the slaughter of poultry, and
16 the processing of poultry products, by any person in any
17 territory not organized with a legislative body, solely for
18 distribution within such territory, when the Secretary deter-
19 mines that it is impracticable to provide such inspection
20 within the limits of funds appropriated for administration of
21 this Act and that such exemption will aid in the effective
22 administration of this Act.

23 “(c) The provisions of this Act requiring inspection
24 of the slaughter of poultry and the processing of poultry
25 products at establishments conducting such operations for

1 commerce shall not apply to the slaughtering by any person
2 of poultry of his own raising, and the processing by him and
3 transportation in commerce of the poultry products exclu-
4 sively for use by him and members of his household and his
5 nonpaying guests and employees; nor to the customs slaugh-
6 ter by any person of poultry delivered by the owner thereof
7 for such slaughter, and the processing by such slaughterer
8 and transportation in commerce of the poultry products
9 exclusively for use, in the household of such owner, by him
10 and members of his household and his nonpaying guests and
11 employees: *Provided*, That such custom slaughterer does not
12 engage in the business of buying or selling any poultry
13 products capable of use as human food.

14 “(d) The adulteration and misbranding provision of
15 this Act, other than the requirement of the inspection legend,
16 shall apply to articles which are exempted from inspection
17 or not required to be inspected under this section, except
18 as otherwise specified under paragraph (a).”

19 SEC. 15. Section 16 of said Act (21 U.S.C. 465) is
20 hereby amended to read:

21 “SEC. 16. The Secretary may limit the entry of poultry
22 products and other materials into any official establishment,
23 under such conditions as he may prescribe to assure that
24 allowing the entry of such articles into such inspected estab-
25 lishments will be consistent with the purposes of this Act.”

1 SEC. 16. Section 17 of said Act (21 U.S.C. 466) is
2 hereby amended to read:

3 “SEC. 17. (a) No poultry products which are capable
4 of use as human food shall be imported into the United
5 States if such articles are adulterated or misbranded and
6 unless they comply with all the inspection, building construc-
7 tion standards, and all other provisions of this Act and regu-
8 lations issued thereunder applicable to such articles in com-
9 merce within the United States. All such imported articles
10 shall, upon entry into the United States, be deemed and
11 treated as domestic articles subject to the other provisions of
12 this Act and the Federal Food, Drug, and Cosmetic Act:
13 *Provided*, That they shall be marked and labeled as required
14 by such regulations for imported articles: *Provided further*,
15 That nothing in this section shall apply to any individual
16 who purchases poultry products outside the United States for
17 his own consumption except that the total amount of such
18 poultry products shall not exceed fifty pounds.

19 “(b) The Secretary may prescribe the terms and con-
20 ditions for the destruction of all such articles which are im-
21 ported contrary to this section, unless (1) they are exported
22 by the consignee within the time fixed therefor by the Sec-
23 retary, or (2) in the case of articles which are not in com-
24 pliance with the Act solely because of misbranding, such

1 articles are brought into compliance with the Act under
2 supervision of authorized representatives of the Secretary.

3 “(c) All charges for storage, cartage, and labor with re-
4 spect to any article which is imported contrary to this sec-
5 tion shall be paid by the owner or consignee, and in default of
6 such payment shall constitute a lien against such article and
7 any other article thereafter imported under this Act by or
8 for such owner or consignee.

9 “(d) The knowing importation of any article contrary
10 to this section is prohibited.”

11 SEC. 17. Section 18 of said Act (21 U.S.C. 467) is
12 hereby amended to read:

13 “SEC. 18. (a) The Secretary may (for such period, or
14 indefinitely, as he deems necessary to effectuate the purposes
15 of this Act) refuse to provide, or withdraw, inspection serv-
16 ice under this Act with respect to any establishment if he
17 determines, after opportunity for a hearing is accorded to the
18 applicant for, or recipient of, such service, that such applicant
19 or recipient is unfit to engage in any business requiring in-
20 spection under this Act because the applicant or recipient or
21 anyone responsibly connected with the applicant or recipient,
22 has been convicted, in any Federal or State court, within the
23 previous ten years of (1) any felony or more than one mis-
24 demeanor under any law based upon the acquiring, handling,
25 or distributing of adulterated, mislabeled, or deceptively

1 packaged food or fraud in connection with transactions in
2 food or (2) any felony, involving fraud, bribery, extortion,
3 or any other act or circumstance indicating a lack of the in-
4 tegrity needed for the conduct of operations affecting the
5 public health. For the purpose of this paragraph a person
6 shall be deemed to be responsibly connected with the business
7 if he was a partner, officer, director, holder, or owner of 10
8 per centum or more of its voting stock or employee in a
9 managerial or executive capacity.

10 “(b) Upon the withdrawal of inspection service from
11 any official establishment for failure to destroy condemned
12 poultry products as required under section 6 of this Act, or
13 other failure of an official establishment to comply with the
14 requirements as to premises, facilities, or equipment, or the
15 operation thereof, as provided in section 7 of this Act, or
16 the refusal of inspection service to any applicant therefor
17 because of failure to comply with any requirements under
18 section 7, the applicant for, or recipient of, the service shall,
19 upon request, be afforded opportunity for a hearing with
20 respect to the merits or validity of such action; but such
21 withdrawal or refusal shall continue in effect unless otherwise
22 ordered by the Secretary.

23 “(c) The determination and order of the Secretary
24 when made after opportunity for hearing, with respect to
25 withdrawal or refusal of inspection service under this Act

1 shall be final and conclusive unless the affected applicant
2 for, or recipient of, inspection service files application for
3 judicial review within thirty days after the effective date
4 of such order in the United States Court of Appeals as pro-
5 vided in section 8 of this Act. Judicial review of any such
6 order shall be upon the record upon which the determination
7 and order are based. The provisions of section 204 of the
8 Packers and Stockyards Act of 1921, as amended, shall be
9 applicable to appeals taken under this section.”

10 SEC. 18. Sections 19 through 22 of said Act (21 U.S.C.
11 468, 469, 451 note) are hereby redesignated as sections
12 25 through 28, respectively, and new sections 19, 20, 21,
13 22, 23, and 24 are added to the Act to read, respectively:

14 “SEC. 19. Whenever any poultry product, or any prod-
15 uct exempted from the definition of a poultry product, or
16 any dead, dying, disabled, or diseased poultry is found by
17 any authorized representative of the Secretary upon any
18 premises where it is held for purposes of, or during or after
19 distribution in, commerce or otherwise subject to this Act,
20 and there is reason to believe that any such article is adul-
21 terated or misbranded and is capable of use as human food,
22 or that it has not been inspected, in violation of the provi-
23 sions of this Act or of any other Federal law or the laws
24 of any State or territory, or the District of Columbia, or that
25 it has been or is intended to be, distributed in violation of any

1 such provisions, it may be detained by such representative
2 for a period not to exceed twenty days, pending action under
3 section 20 of this Act or notification of any Federal, State,
4 or other governmental authorities having jurisdiction over
5 such article or poultry, and shall not be moved by any person,
6 from the place at which it is located when so detained, until
7 released by such representative. All official marks may be
8 required by such representative to be removed from such
9 article or poultry before it is released unless it appears to
10 the satisfaction of the Secretary that the article or poultry is
11 eligible to retain such marks.

12 “SEC. 20. (a) Any poultry product, or any dead, dying,
13 disabled, or diseased poultry, that is being transported in
14 commerce or is held for sale in the United States after such
15 transportation, and that (1) is or has been processed, sold,
16 transported, or otherwise distributed or offered or received
17 for distribution in violation of this Act, or (2) is capable
18 of use as human food and is adulterated or misbranded, or
19 (3) in any other way is in violation of this Act, shall be
20 liable to be proceeded against and seized and condemned,
21 at any time, on a libel of information in any United States
22 district court or other proper court as provided in section 21
23 of this Act within the jurisdiction of which the article or
24 poultry is found. If the article or poultry is condemned it

1 shall, after entry of the decree, be disposed of by destruction
2 or sale as the court may direct and the proceeds, if sold, less
3 the court costs and fees, and storage and other proper
4 expenses, shall be paid into the Treasury of the United
5 States, but the article or poultry shall not be sold contrary
6 to the provisions of this Act, or the laws of the jurisdiction
7 in which it is sold: *Provided*, That upon the execution and
8 delivery of a good and sufficient bond conditioned that the
9 article or poultry shall not be sold or otherwise disposed
10 of contrary to the provisions of this Act, or the laws of the
11 jurisdiction in which disposal is made, the court may direct
12 that such article or poultry be delivered to the owner thereof
13 subject to such supervision by authorized representatives
14 of the Secretary as is necessary to insure compliance with
15 the applicable laws. When a decree of condemnation is en-
16 tered against the article or poultry and it is released under
17 bond, or destroyed, court costs and fees, and storage and
18 other proper expenses shall be awarded against the person,
19 if any, intervening as claimant of the article or poultry.
20 The proceedings in such libel cases shall conform, as nearly
21 as may be, to the proceedings in admiralty, except that
22 either party may demand trial by jury of any issue of fact
23 joined in any case, and all such proceedings shall be at
24 the suit of and in the name of the United States.

25 “(b) The provisions of this section shall in no way

1 derogate from authority for condemnation or seizure con-
2 ferred by other provisions of this Act, or other laws.

3 “SEC. 21. The United States district courts, the District
4 Court of Guam, the District Court of the Virgin Islands, the
5 highest court of American Samoa, and the United States
6 courts of the other territories, are vested with jurisdiction
7 specifically to enforce, and to prevent and restrain violations
8 of, this Act, and shall have jurisdiction in all other kinds of
9 cases arising under this Act, except as provided in section 8
10 (d) or 18 of this Act. All proceedings for the enforcement
11 or to restrain violations of this Act shall be by and in the
12 name of the United States. Subpenas for witnesses who are
13 required to attend a court of the United States, in any district,
14 may run into any other district in any such proceeding.

15 “SEC. 22. For the efficient administration and enforce-
16 ment of this Act, the provisions (including penalties) of sec-
17 tions 6, 8, 9, and 10 of the Federal Trade Commission Act,
18 as amended (38 Stat. 721-723, as amended; 15 U.S.C.
19 46, 48, 49, and 50) (except paragraphs (c) through (h)
20 of section 6 and the last paragraph of section 9), and the
21 provisions of subsection 409 (1) of the Communications
22 Act of 1934 (48 Stat. 1096, as amended; 47 U.S.C. 409
23 (1)), are made applicable to the jurisdiction, powers, and
24 duties of the Secretary in administering and enforcing the
25 provisions of this Act and to any person with respect to

1 whom such authority is exercised. The Secretary, in person
2 or by such agents as he may designate, may prosecute any
3 inquiry necessary to his duties under this Act in any part of
4 the United States, and the powers conferred by said sec-
5 tions 9 and 10 of the Federal Trade Commission Act as
6 amended on the district courts of the United States may be
7 exercised for the purposes of this Act by any court desig-
8 nated in section 21 of this Act.

9 “SEC. 23. Requirements within the scope of this Act with
10 respect to premises, facilities and operations of any official
11 establishment, which are in addition to, or different than
12 those made under this Act may not be imposed by any
13 State or territory or the District of Columbia, except that
14 any such jurisdiction may impose recordkeeping and other
15 requirements within the scope of paragraph (b) of section 11
16 of this Act, if consistent therewith, with respect to any such
17 establishment. Marking, labeling, packaging, or ingredient
18 requirements in addition to, or different than, those made
19 under this Act may not be imposed by any State or territory
20 or the District of Columbia with respect to articles prepared
21 at any official establishment in accordance with the require-
22 ments under this Act, but any State or territory or the
23 District of Columbia may, consistent with the requirements
24 under this Act, exercise concurrent jurisdiction with the
25 Secretary over articles required to be inspected under this

1 Act, for the purpose of preventing the distribution for human
2 food purposes of any such articles which are adulterated or
3 misbranded and are outside of such an establishment, or, in
4 the case of imported articles which are not at such an estab-
5 lishment, after their entry into the United States. This Act
6 shall not preclude any State or territory or the District of
7 Columbia from making requirement or taking other action,
8 consistent with this Act, with respect to any other matters
9 regulated under this Act.

10 “SEC. 24. (a) Poultry and poultry products shall be
11 exempt from the provisions of the Federal Food, Drug, and
12 Cosmetic Act to the extent of the application or extension
13 thereto of the provisions of this Act, except that the provi-
14 sions of this Act shall not derogate from any authority con-
15 ferred by the Federal Food, Drug, and Cosmetic Act prior
16 to enactment of the Wholesome Poultry Products Act.

17 “(b) The detainer authority conferred by section 19 of
18 this Act shall apply to any authorized representative of the
19 Secretary of Health, Education, and Welfare for purposes of
20 the enforcement of the Federal Food, Drug, and Cosmetic
21 Act with respect to any poultry carcass, or part or product
22 thereof, that is outside any official establishment, and for such
23 purposes the first reference to the Secretary in section 19
24 shall be deemed to refer to the Secretary of Health, Educa-
25 tion, and Welfare.”

1 SEC. 19. The heading “**Designation**” preceding sec-
2 tion 5 of said Act is hereby amended to read “**Federal**
3 **and State cooperation**”; the heading “**Labeling**” preceding
4 section 8 of said Act is hereby amended to read “**Labeling**
5 **and containers; standards**”; the heading “**Records of**
6 **interstate shipment**” preceding section 11 of said Act is
7 hereby amended to read “**Articles not intended for human**
8 **food; record and related requirements for processors of**
9 **poultry products and related industries engaged in com-**
10 **merce; registration requirements for related industries en-**
11 **gaged in commerce; regulation of transactions in com-**
12 **merce in dead, dying, disabled, or diseased poultry and**
13 **carcasses thereof; authority to regulate comparable intra-**
14 **state activities**”; and the heading “**Violations by exempted**
15 **persons**” preceding section 16 of said Act is hereby amended
16 to read “**Entry of materials into official establishments.**”

17 SEC. 20. If any provisions of this Act or of the amend-
18 ments made hereby or the application thereof to any person
19 or circumstances is held invalid, the validity of the remainder
20 of the Act and the remaining amendments and of the appli-
21 cation of such provision to other persons and circumstances
22 shall not be affected thereby.

23 SEC. 21. This Act shall become effective upon enact-
24 ment except as provided in paragraphs (a) through (c) :

25 (a) The provisions of subparagraphs (a) (2) (A) and

1 (a) (3) of section 9 of the Poultry Products Inspection Act
2 and the provisions of section 17 of said Act, as amended by
3 sections 9 and 16 of this Act, shall become effective upon the
4 expiration of sixty days after enactment hereof.

5 (b) Section 14 of this Act, amending section 15 of the
6 Poultry Products Inspection Act, shall become effective upon
7 the expiration of sixty days after enactment hereof.

8 (c) Paragraph 11 (d) of the Poultry Products Inspec-
9 tion Act, as added by section 11 of this Act, shall become
10 effective upon the expiration of sixty days after enactment
11 hereof.

A BILL

To clarify and otherwise amend the Poultry Products Inspection Act, to provide for co-operation with appropriate State agencies with respect to State poultry products inspection programs, and for other purposes.

By Mr. POAGE

FEBRUARY 6, 1968

Referred to the Committee on Agriculture

H. R. 15146

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 6, 1968

Mr. PURCELL (for himself, Mr. Dow, Mr. SMITH of Iowa, and Mr. FOLEY) introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To clarify and otherwise amend the Poultry Products Inspection Act, to provide for cooperation with appropriate State agencies with respect to State poultry products inspection programs, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the “Wholesome Poultry
4 Products Act”.

5 SEC. 2. Section 2 of the Poultry Products Inspection
6 Act (71 Stat. 441, as amended; 21 U.S.C. 451) is hereby
7 amended to read:

8 “SEC. 2. Poultry and poultry products are an important
9 source of the Nation’s total supply of food. They are con-

1 sumed throughout the Nation and the major portion thereof
2 moves in interstate or foreign commerce. It is essential in
3 the public interest that the health and welfare of consumers
4 be protected by assuring that poultry products distributed to
5 them are wholesome, not adulterated, and properly marked,
6 labeled, and packaged. Unwholesome, adulterated, or mis-
7 branded poultry products impair the effective regulation of
8 poultry products in interstate or foreign commerce, are in-
9 jurious to the public welfare, destroy markets for wholesome,
10 not adulterated, and properly labeled and packaged poultry
11 products, and result in sundry losses to poultry producers and
12 processors of poultry and poultry products, as well as injury
13 to consumers. The unwholesome, adulterated, mislabeled, or
14 deceptively packaged articles can be sold at lower prices and
15 complete unfairly with the wholesome, not adulterated, and
16 properly labeled and packaged articles, to the detriment of
17 consumers and the public generally. It is hereby found that
18 all articles and poultry which are regulated under this Act
19 are either in interstate or foreign commerce or substantially
20 affect such commerce, and that regulation by the Secretary
21 of Agriculture and cooperation by the States and other juris-
22 dictions as contemplated by this Act are appropriate to pre-
23 vent and eliminate burdens upon such commerce, to effec-
24 tively regulate such commerce, and to protect the health and
25 welfare of consumers.”

1 SEC. 3. Section 3 of said Act (21 U.S.C. 452) is hereby
2 amended to read:

3 “SEC. 3. It is hereby declared to be the policy of the Con-
4 gress to provide for the inspection of poultry and poultry
5 products and otherwise regulate the processing and distribu-
6 tion of such articles as hereinafter prescribed to prevent the
7 movement or sale in interstate or foreign commerce of, or
8 the burdening of such commerce by poultry products which
9 are adulterated or misbranded.”

10 SEC. 4. Section 4 of said Act (21 U.S.C. 453) is hereby
11 amended to read: “For purposes of this Act—

12 “(a) The term ‘commerce’ means commerce between
13 any State, any territory, or the District of Columbia, and
14 any place outside thereof; or within any territory not orga-
15 nized with a legislative body, or the District of Columbia.

16 “(b) Except as otherwise provided in this Act, the term
17 ‘State’ means any State of the United States and the Com-
18 monwealth of Puerto Rico.

19 “(c) The term ‘territory’ means Guam, the Virgin Is-
20 lands of the United States, American Samoa, and any other
21 territory or possession of the United States, excluding the
22 Canal Zone.

23 “(d) The term ‘United States’ means the States, the
24 District of Columbia, and the territories of the United States.

1 “(e) The term ‘poultry’ means any domesticated bird,
2 whether live or dead.

3 “(f) The term ‘poultry product’ means any poultry car-
4 cass, or part thereof; or any product which is made wholly or
5 in part from any poultry carcass or part thereof, excepting
6 products which contain poultry ingredients only in a rela-
7 tively small proportion or historically have not been consid-
8 ered by consumers as products of the poultry food industry,
9 and which are exempted by the Secretary from definition
10 as a poultry product under such conditions as the Secretary
11 may prescribe to assure that the poultry ingredients in such
12 products are not adulterated and that such products are not
13 represented as poultry products.

14 “(g) The term ‘adulterated’ shall apply to any poultry
15 product under one or more of the following circumstances:

16 “(1) if it bears or contains any poisonous or dele-
17 terious substance which may render it injurious to
18 health; but in case the substance is not an added sub-
19 stance, such article shall not be considered adulterated
20 under this clause if the quantity of such substance in or
21 on such article does not ordinarily render it injurious to
22 health;

23 “(2) (A) if it bears or contains (by reason of ad-
24 ministration of any substance to the live poultry or other-
25 wise) any added poisonous or added deleterious sub-

stance (other than one which is (i) a pesticide chemical in or on a raw agricultural commodity; (ii) a food additive; or (iii) a color additive) which may, in the judgment of the Secretary, make such article unfit for human food;

“(B) if it is, in whole or in part, a raw agricultural commodity and such commodity bears or contains a pesticide chemical which is unsafe within the meaning of section 408 of the Federal Food, Drug, and Cosmetic Act;

“(C) if it bears or contains any food additive which is unsafe within the meaning of section 409 of the Federal Food, Drug, and Cosmetic Act;

“(D) if it bears or contains any color additive which is unsafe within the meaning of section 706 of the Federal Food, Drug, and Cosmetic Act: *Provided*, That an article which is not otherwise deemed adulterated under clause (B), (C), or (D) shall nevertheless be deemed adulterated if use of the pesticide chemical, food additive, or color additive in or on such article is prohibited by regulations of the Secretary in official establishments;

“(3) if it consists in whole or in part of any filthy, putrid, or decomposed substance or is for any other rea-

1 son unsound, unhealthful, unwholesome, or otherwise
2 unfit for human food;

3 “(4) if it has been prepared, packed, or held under
4 insanitary conditions whereby it may have become con-
5 taminated with filth, or whereby it may have been ren-
6 dered injurious to health;

7 “(5) if it is, in whole or in part, the product of any
8 poultry which has died otherwise than by slaughter;

9 “(6) if its container is composed, in whole or in
10 part, of any poisonous or deleterious substance which
11 may render the contents injurious to health;

12 “(7) if it has been intentionally subjected to radia-
13 tion, unless the use of the radiation was in conformity
14 with a regulation or exemption in effect pursuant to sec-
15 tion 409 of the Federal Food, Drug, and Cosmetic
16 Act; or

17 “(8) if any valuable constituent has been in whole
18 or in part omitted or abstracted therefrom; or if any sub-
19 stance has been substituted, wholly or in part therefor;
20 or if damage or inferiority has been concealed in any
21 manner; or if any substance has been added thereto or
22 mixed or packed therewith so as to increase its bulk or
23 weight, or reduce its quality or strength, or make it
24 appear better or of greater value than it is.

1 “(h) The term ‘misbranded’ shall apply to any poultry
2 product under one or more of the following circumstances:

3 “(1) if its labeling is false or misleading in any
4 particular;

5 “(2) if it is offered for sale under the name of an-
6 other food;

7 “(3) if it is an imitation of another food, unless its
8 label bears, in type of uniform size and prominence, the
9 word ‘imitation’ and immediately thereafter, the name
10 of the food imitated;

11 “(4) if its container is so made, formed, or filled as
12 to be misleading;

13 “(5) unless it bears a label showing (A) the name
14 and the place of business of the manufacturer, packer,
15 or distributor; and (B) an accurate statement of the
16 quantity of the product in terms of weight, measure, or
17 numerical count: *Provided*, That under clause (B) of
18 this subparagraph (5), reasonable variations may be
19 permitted, and exemptions as to small packages or
20 articles not in packages or other containers may be estab-
21 lished by regulations prescribed by the Secretary;

22 “(6) if any word, statement, or other information
23 required by or under authority of this Act to appear on
24 the label or other labeling is not prominently placed

1 thereon with such conspicuousness (as compared with
2 other words, statements, designs, or devices, in the
3 labeling) and in such terms as to render it likely to be
4 read and understood by the ordinary individual under
5 customary conditions of purchase and use;

6 “(7) if it purports to be or is represented as a food
7 for which a definition and standard of identity or compo-
8 sition has been prescribed by regulations of the Secre-
9 tary under section 8 of this Act unless (A) it conforms
10 to such definition and standard, and (B) its label bears
11 the name of the food specified in the definition and stand-
12 ard and, insofar as may be required by such regulations,
13 the common names of optional ingredients (other than
14 spices, flavoring, and coloring) present in such food;

15 “(8) if it purports to be or is represented as a food
16 for which a standard or standards of fill of container have
17 been prescribed by regulations of the Secretary under
18 section 8 of this Act, and it falls below the standard of
19 fill of container applicable thereto, unless its label bears,
20 in such manner and form as such regulations specify, a
21 statement that it falls below such standard;

22 “(9) if it is not subject to the provisions of subpara-
23 graph (7), unless its label bears (A) the common or
24 usual name of the food, if any there be, and (B) in case
25 it is fabricated from two or more ingredients, the com-

mon or usual name of each such ingredient; except that spices, flavorings, and colorings may, when authorized by the Secretary, be designated as spices, flavorings, and colorings without naming each: *Provided*, That to the extent that compliance with the requirements of clause (B) of this subparagraph (9) is impracticable or results in deception or unfair competition, exemptions shall be established by regulations promulgated by the Secretary;

“(10) if it purports to be or is represented for special dietary uses unless its label bears such information concerning its vitamin, mineral, and other dietary properties as the Secretary, after consultation with the Secretary of Health, Education, and Welfare, determines to be, and by regulations prescribes as, necessary in order fully to inform purchasers as to its value for such uses;

“(11) if it bears or contains any artificial flavoring, artificial coloring, or chemical preservative, unless it bears labeling stating that fact: *Provided*, That, to the extent that compliance with the requirements of this subparagraph (11) is impracticable, exemptions shall be established by regulations promulgated by the Secretary; or

“(12) if it fails to bear, directly thereon and on its

1 containers, as the Secretary may by regulations pre-
2 scribe, the official inspection legend and official estab-
3 lishment number of the establishment where the article
4 was processed, and, unrestricted by any of the fore-
5 going, such other information as the Secretary may
6 require in such regulations to assure that it will not have
7 false or misleading labeling and that the public will be
8 informed of the manner of handling required to main-
9 tain the article in a wholesome condition.

10 “(i) The term ‘Secretary’ means the Secretary of Agri-
11 culture or his delegate.

12 “(j) The term ‘person’ means any individual, partner-
13 ship, corporation, association, or other business unit.

14 “(k) The term ‘inspector’ means: (1) an employee or
15 official of the United States Government authorized by the
16 Secretary to inspect poultry and poultry products under the
17 authority of this Act, or (2) any employee or official of the
18 government of any State or territory or the District of
19 Columbia authorized by the Secretary to inspect poultry and
20 poultry products under authority of this Act, under an agree-
21 ment entered into between the Secretary and the appropriate
22 State or other agency.

23 “(l) The term ‘official mark’ means the official inspec-
24 tion legend or any other symbol prescribed by regulations of

1 the Secretary to identify the status of any article or poultry
2 under this Act.

3 “(m) The term ‘official inspection legend’ means any
4 symbol prescribed by regulations of the Secretary showing
5 that an article was inspected and passed in accordance with
6 this Act, including any combined State-Federal official in-
7 spection legend prescribed by the Secretary under subpara-
8 graph 5 (c) (5) of this Act.

9 “(n) The term ‘official certificate’ means any certificate
10 prescribed by regulations of the Secretary for issuance by an
11 inspector or other person performing official functions under
12 this Act.

13 “(o) The term ‘official device’ means any device pre-
14 scribed or authorized by the Secretary for use in applying
15 any official mark.

16 “(p) The term ‘official establishment’ means any estab-
17 lishment as determined by the Secretary at which inspection
18 of the slaughter of poultry, or the processing of poultry prod-
19 ucts, is maintained under the authority of this Act.

20 “(q) The term ‘inspection service’ means the official
21 Government service within the Department of Agriculture
22 designated by the Secretary as having the responsibility for
23 carrying out the provisions of this Act.

1 “(r) The term ‘container’ or ‘package’ includes any box,
2 can, tin, cloth, plastic, or other receptacle, wrapper, or cover.

3 “(s) The term ‘label’ means a display of written,
4 printed, or graphic matter upon any article or the immediate
5 container (not including package liners) of any article; and
6 the term ‘labeling’ means all labels and other written,
7 printed, or graphic matter (1) upon any article or any of
8 its containers or wrappers, or (2) accompanying such
9 article.

10 “(t) The term ‘shipping container’ means any container
11 used or intended for use in packaging the product packed in
12 an immediate container.

13 “(u) The term ‘immediate container’ includes any con-
14 sumer package; or any other container in which poultry
15 products, not consumer packaged, are packed.

16 “(v) The term ‘capable of use as human food’ shall
17 apply to any carcass, or part or product of a carcass, of any
18 poultry, unless it is denatured or otherwise identified as re-
19 quired by regulations prescribed by the Secretary to deter its
20 use as human food, or it is naturally inedible by humans.

21 “(w) The term ‘processed’ means slaughtered, canned,
22 salted, stuffed, rendered, boned, cut up, or otherwise manu-
23 factured or processed.

24 “(x) The term ‘Federal Food, Drug, and Cosmetic
25 Act’ means the Act so entitled, approved June 25, 1938

1 (52 Stat. 1040), and Acts amendatory thereof or supple-
2 mentary thereto.

3 “(y) The terms ‘pesticide chemical’, ‘food additive’,
4 ‘color additive’, and ‘raw agricultural commodity’ shall have
5 the same meanings for purposes of this Act as under the
6 Federal Food, Drug, and Cosmetic Act.

7 “(z) The term ‘poultry products broker’ means any
8 person engaged in the business of buying or selling poultry
9 products on commission, or otherwise negotiating purchases
10 or sales of such articles other than for his own account or as
11 an employee of another person.

12 “(aa) The term ‘renderer’ means any person engaged
13 in the business of rendering carcasses, or parts or products
14 of the carcasses, of poultry, except rendering conducted
15 under inspection or exemption under this Act.

16 “(bb) The term ‘animal food manufacturer’ means any
17 person engaged in the business of manufacturing or process-
18 ing animal food derived wholly or in part from carcasses, or
19 parts or products of the carcasses, of poultry.”

20 SEC. 5. Section 5 of said Act (21 U.S.C. 454) is hereby
21 amended to read:

22 “SEC. 5. (a) It is the policy of the Congress to protect
23 the consuming public from poultry products that are adulter-
24 ated or misbranded and to assist in efforts by State and other

1 Government agencies to accomplish this objective. In fur-
2 therance of this policy—

3 “(1) The Secretary is authorized, whenever he
4 determines that it would effectuate the purposes of this
5 Act, to cooperate with the appropriate State agency in
6 developing and administering a State poultry product
7 inspection program in any State which has enacted a
8 State poultry product inspection law that imposes ante-
9 mortem and post-mortem inspection, reinspection and
10 sanitation requirements that are at least equal to those
11 under this Act, with respect to all or certain classes of
12 persons engaged in the State in slaughtering poultry or
13 processing poultry products for use as human food solely
14 for distribution within such State.

15 “(2) The Secretary is further authorized, whenever
16 he determines that it would effectuate the purposes of
17 this Act, to cooperate with appropriate State agencies
18 in developing and administering State programs under
19 State laws containing authorities at least equal to those
20 provided in section 11 of this Act; and to cooperate with
21 other agencies of the United States in carrying out any
22 provisions of this Act. In carrying out the provisions of
23 this Act, the Secretary may conduct such examinations,
24 investigations, and inspections as he determines practi-
25 cable through any officer or employee of any State or

1 Territory or the District of Columbia commissioned by
2 the Secretary for such purpose.

3 “(3) Cooperation with State agencies under this
4 section may include furnishing to the appropriate State
5 agency (i) advisory assistance in planning and otherwise
6 developing an adequate State program under the State
7 law; and (ii) technical and laboratory assistance and
8 training (including necessary curricular and instruc-
9 tional materials and equipment), and financial and other
10 aid for administration of such a program. The amount
11 to be contributed to any State by the Secretary under
12 this section from Federal funds for any year shall not
13 exceed 50 per centum of the estimated total cost of the
14 cooperative program; and the Federal funds shall be
15 allocated among the States desiring to cooperate on an
16 equitable basis. Such cooperation and payment shall be
17 contingent at all times upon the administration of the
18 State program in a manner which the Secretary, in con-
19 sultation with the appropriate advisory committee ap-
20 pointed under subparagraph (4), deems adequate to
21 effectuate the purposes of this section.

22 “(4) The Secretary may appoint advisory commit-
23 tees consisting of such representatives of appropriate
24 State agencies as the Secretary and the State agencies
25 may designate to consult with him concerning State

1 and Federal programs with respect to poultry product in-
2 spection and other matters within the scope of this Act,
3 including evaluating State programs for purposes of this
4 Act and obtaining better coordination and more uni-
5 formity among the State programs and between the Fed-
6 eral and State programs and adequate protection of
7 consumers.

8 “(b) The appropriate State agency with which the
9 Secretary may cooperate under this Act shall be a single
10 agency in the State which is primarily responsible for the
11 coordination of the State programs having objectives similar
12 to those under this Act. When the State program includes
13 performance of certain functions by a municipality or other
14 subordinate governmental unit, such unit shall be deemed to
15 be a part of the State agency for purposes of this section.

16 “(c) (1) If the Secretary has reason to believe, by
17 thirty days prior to the expiration of two years after enact-
18 ment of the Wholesome Poultry Products Act, that a State
19 has failed to develop or is not enforcing, with respect to all
20 establishments within its jurisdiction (except those that
21 would be exempted from Federal inspection under subpara-
22 graph (2) of this paragraph (c)) at which poultry are
23 slaughtered, or poultry products are processed for use as
24 human food, solely for distribution within such State, and the
25 products of such establishments, requirements at least equal

1 to those imposed under sections 1-4, 6-10, and 12-22 of this
2 Act, he shall promptly notify the Governor of the State of
3 this fact. If the Secretary determines, after consultation with
4 the Governor of the State, or representative selected by him,
5 that such requirements have not been developed and acti-
6 vated, he shall promptly after the expiration of such two-
7 year period designate such State as one in which the provi-
8 sions of said sections of this Act shall apply to operations
9 and transactions wholly within such State: *Provided*, That if
10 the Secretary has reason to believe that the State will acti-
11 vate such requirements within one additional year, he may
12 delay such designation for said period, and not designate the
13 State, if he determines at the end of the year that the State
14 then has such requirements in effective operation. The Secre-
15 tary shall publish any such designation in the Federal Regis-
16 ter and, upon the expiration of thirty days after such publi-
17 cation, the provisions of said sections of this Act shall apply
18 to operations and transactions and to persons engaged there-
19 in in the State to the same extent and in the same manner
20 as if such operations and transactions were conducted in or
21 for commerce. However, notwithstanding any other provi-
22 sion of this section, if the Secretary determines that any
23 establishment within a State is producing adulterated poul-
24 try products for distribution within such State which would

1 clearly endanger the public health he shall notify the Gover-
2 nor of the State and the appropriate advisory committee
3 provided for by subparagraph (a) (4) of this section of such
4 fact for effective action under State or local law. If the State
5 does not take action to prevent such endangering of the
6 public health within a reasonable time after such notice, as
7 determined by the Secretary, in light of the risk to public
8 health, the Secretary may forthwith designate any such
9 establishment as subject to the provisions of said sections of
10 this Act, and thereupon the establishment and operator
11 thereof shall be subject to such provisions as though engaged
12 in commerce until such time as the Secretary determines that
13 such State has developed and will enforce requirements at
14 least equal to those imposed under said sections.

15 “(2) The provisions of this Act requiring inspection of
16 the slaughter of poultry and the processing of poultry prod-
17 ucts shall not apply to operations of types traditionally and
18 usually conducted at retail stores and restaurants, when con-
19 ducted at any retail store or restaurant or similar retail-type
20 establishment for sale in normal retail quantities or service
21 of such articles to consumers at such establishments if such
22 establishments are subject to such inspection provisions only
23 under this paragraph (c).

24 “(3) Whenever the Secretary determines that any State
25 designated under this paragraph (c) has developed and will

1 enforce State poultry products inspection requirements at
2 least equal to those imposed under the aforesaid sections of
3 this Act, with respect to the operations and transactions
4 within such State which are regulated under subparagraph
5 (1) of this paragraph (c), he shall terminate the designation
6 of such State under this paragraph (c), but this shall not
7 preclude the subsequent redesignation of the State at any
8 time upon thirty days' notice to the Governor and publication
9 in the Federal Register in accordance with this paragraph,
10 and any State may be designated upon such notice and
11 publication, at any time after the period specified in this
12 paragraph whether or not the State has theretofore been
13 designated, upon the Secretary determining that it is not
14 effectively enforcing requirements at least equal to those
15 imposed under said sections.

16 “(4) The Secretary shall promptly upon enactment of
17 the Wholesome Poultry Products Act, and periodically
18 thereafter, review the requirements, including the enforce-
19 ment thereof, of the several States not designated under this
20 paragraph (c), with respect to the slaughter, and the proc-
21 essing, storage, handling, and distribution of poultry prod-
22 ucts, and inspection of such operations.

23 “(5) Poultry products processed under State inspection
24 at any establishment in any State, not designated under this

1 paragraph (c), in accordance with requirements which the
2 Secretary has determined are at least equal to those under
3 sections 1-4, 6-10, and 12-22 of this Act, shall be eligible
4 for distribution in commerce, upon the same basis as poultry
5 products inspected under this Act, when they are marked
6 under such supervision and other conditions as the Secretary
7 may by regulation prescribe, with a combined State-Federal
8 official inspection legend.

9 “(d) As used in this section, the term ‘State’ means
10 any State (including the Commonwealth of Puerto Rico) or
11 organized territory.”

12 SEC. 6. Section 6 of said Act (21 U.S.C. 455) is
13 hereby amended as follows:

14 (a) Paragraph (a) is amended to read:

15 “(a) For the purpose of preventing the entry into or
16 flow or movement in commerce of, or the burdening of
17 commerce by, any poultry product which is capable of use
18 as human food and is adulterated, the Secretary shall, where
19 and to the extent considered by him necessary, cause to be
20 made by inspectors ante mortem inspection of poultry in
21 each official establishment processing poultry or poultry
22 products for commerce or otherwise subject to inspection
23 under this Act.”

24 (b) Paragraph (b) is amended by deleting the phrase
25 “in, or for marketing in a designated city or area” and sub-

stituting the phrase “otherwise subject to inspection under this Act”; by inserting the word “and” before the word “reinspection”; and by inserting the phrase “capable of use as human food” after the phrase “poultry products” the first time the latter phrase appears in the paragraph.

(c) Paragraph (c) is amended by deleting the phrase “unwholesome or” and the phrase “not unwholesome and” each time they appear therein; and by inserting the word “other” before the phrase “poultry products”.

SEC. 7. In section 7 of said Act (21 U.S.C. 456) paragraph (a) is hereby amended by deleting the phrase “in or for marketing in a designated major consuming area” and substituting the phrase “otherwise subject to inspection under this Act”; by deleting the phrase “in a designated major consuming area” and substituting the phrase “burdensome effect upon commerce”; and by deleting the phrase “unwholesome or”.

SEC. 8. Section 8 of said Act (21 U.S.C. 457) is hereby amended to read:

“SEC. 8. (a) All poultry products inspected at any official establishment under the authority of this Act and found to be not adulterated, shall at the time they leave the establishment bear, in distinctly legible form, directly thereon and on their shipping containers and immediate containers, as

1 the Secretary may require, the information required under
2 paragraph (h) of section 4 of this Act.

3 “(b) The Secretary, whenever he determines such ac-
4 tion is necessary for the protection of the public, may pre-
5 scribe: (1) the styles and sizes of type to be used with respect
6 to material required to be incorporated in labeling to avoid
7 false or misleading labeling in marketing and labeling any
8 articles or poultry subject to this Act; (2) definitions and
9 standards of identity or composition or articles subject to this
10 Act and standards of fill of container for such articles not in-
11 consistent with any such standards established under the
12 Federal Food, Drug, and Cosmetic Act, and there shall be
13 consultation between the Secretary and the Secretary of
14 Health, Education, and Welfare prior to the issuance of such
15 standards under either Act relating to articles subject to this
16 Act to avoid inconsistency in such standards and possible
17 impairment of the coordinated effective administration of
18 these Acts. There shall also be consultation between the Sec-
19 retary and an appropriate advisory committee provided for
20 in section 5 of this Act, prior to the issuance of such stand-
21 ards under this Act, to avoid, insofar as feasible, inconsistency
22 between Federal and State standards.

23 “(c) No article subject to this Act shall be sold or offered
24 for sale by any person in commerce, under any name or
25 other marking or labeling which is false or misleading, or in

1 any container of a misleading form or size, but established
2 trade names and other marking and labeling and containers
3 which are not false or misleading and which are approved
4 by the Secretary are permitted.

5 “(d) If the Secretary has reason to believe that any
6 marking or labeling or the size or form of any container in
7 use or proposed for use with respect to any article subject
8 to this Act is false or misleading in any particular, he may
9 direct that such use be withheld unless the marking, label-
10 ing, or container is modified in such manner as he may pre-
11 scribe so that it will not be false or misleading. If the person
12 using or proposing to use the marking, labeling, or container
13 does not accept the determination of the Secretary, such
14 person may request a hearing, but the use of the marking,
15 labeling, or container shall, if the Secretary so directs, be
16 withheld pending hearing and final determination by the
17 Secretary. Any such determination by the Secretary shall
18 be conclusive unless, within thirty days after receipt of
19 notice of such final determination, the person adversely
20 affected thereby appeals to the United States court of ap-
21 peals for the circuit in which such person has its principal
22 place of business or to the United States Court of Appeals
23 for the District of Columbia Circuit. The provisions of sec-
24 tion 204 of the Packers and Stockyards Act, 1921 (42

1 Stat. 162, as amended; 7 U.S.C. 194), shall be applicable
2 to appeals taken under this section.”

3 SEC. 9. Section 9 of said Act (21 U.S.C. 458) is
4 amended to read:

5 “SEC. 9. (a) No person shall—

6 “(1) slaughter any poultry or process any poultry
7 products which are capable of use as human food at any
8 establishment processing any such articles for commerce,
9 except in compliance with the requirements of this Act;

10 “(2) sell, transport, offer for sale or transportation,
11 or receive for transportation, in commerce, (A) any
12 poultry products which are capable of use as human food
13 and are adulterated or misbranded at the time of such
14 sale, transportation, offer for sale or transportation, or
15 receipt for transportation; or (B) any poultry products
16 required to be inspected under this Act unless they have
17 been so inspected and passed;

18 “(3) do, with respect to any poultry products which
19 are capable of use as human food, any act while they
20 are being transported in commerce or held for sale after
21 such transportation, which is intended to cause or has
22 the effect of causing such products to be adulterated or
23 misbranded;

24 “(4) sell, transport, offer for sale or transporta-
25 tion, or receive for transportation, in commerce or from

1 an official establishment, any slaughtered poultry from
2 which the blood, feathers, feet, head, or viscera have
3 not been removed in accordance with regulations pro-
4 mulgated by the Secretary, except as may be authorized
5 by regulations of the Secretary;

6 “(5) use to his own advantage, or reveal other
7 than to the authorized representatives of the United
8 States Government or any State or other government
9 in their official capacity, or as ordered by a court in any
10 judicial proceedings, any information acquired under the
11 authority of this Act concerning any matter which is
12 entitled to protection as a trade secret.

13 “(b) No brand manufacturer, printer, or other person
14 shall cast, print, lithograph, or otherwise make any device
15 containing any official mark or simulation thereof, or any
16 label bearing any such mark or simulation, or any form of
17 official certificate or simulation thereof, except as authorized
18 by the Secretary.

19 “(c) No person shall—

20 “(1) forge any official device, mark, or certificate;

21 “(2) without authorization from the Secretary use
22 any official device, mark, or certificate, or simulation
23 thereof, or alter, detach, deface, or destroy any official
24 device, mark, or certificate;

25 “(3) contrary to the regulations prescribed by the

1 Secretary, fail to use, or to detach, deface, or destroy any
2 official device, mark, or certificate;

3 “(4) knowingly possess, without promptly notify-
4 ing the Secretary or his representative, any official de-
5 vice or any counterfeit, simulated, forged, or improperly
6 altered official certificate or any device or label or any
7 carcass of any poultry, or part or product thereof, bear-
8 ing any counterfeit, simulated, forged, or improperly
9 altered official mark;

10 “(5) knowingly make any false statement in any
11 shippers certificate or other nonofficial or official certi-
12 ficate provided for in the regulations prescribed by the
13 Secretary; or

14 “(6) knowingly represent that any article has been
15 inspected and passed, or exempted, under this Act when,
16 in fact, it has, respectively, not been so inspected and
17 passed, or exempted.”

18 SEC. 10. Section 10 of said Act (21 U.S.C. 459) is
19 hereby amended by deleting the phrase “in or for marketing
20 in a designated major consuming area” and substituting the
21 phrase “otherwise subject to this Act”.

22 SEC. 11. Section 11 of said Act (21 U.S.C. 460) is
23 hereby amended to read:

24 “(a) Inspection shall not be provided under this Act
25 at any establishment for the slaughter of poultry or the

1 processing of any carcasses or parts or products of poultry,
2 which are not intended for use as human food, but such
3 articles shall, prior to their offer for sale or transportation
4 in commerce, unless naturally inedible by humans, be de-
5 natured or otherwise identified as prescribed by regulations
6 of the Secretary to deter their use for human food. No person
7 shall buy, sell, transport, or offer for sale or transportation,
8 or receive for transportation, in commerce, or import, any
9 poultry carcasses or parts or products thereof which are not
10 intended for use as human food unless they are denatured or
11 otherwise identified as required by the regulations of the
12 Secretary or are naturally inedible by humans.

13 “(b) The following classes of persons shall, for such
14 period of time as the Secretary may by regulations prescribe,
15 keep such records as will fully and correctly disclose all
16 transactions involved in their businesses; and all persons sub-
17 ject to such requirements shall, at all reasonable times, upon
18 notice by a duly authorized representative of the Secretary,
19 afford such representative access to their places of business
20 and opportunity to examine the facilities, inventory, and
21 records thereof, to copy all such records, and to take reason-
22 able samples of their inventory upon payment of the fair
23 market value therefor—

24 “(1) Any person that engages in the business of
25 slaughtering any poultry or processing, freezing, packag-

1 ing, or labeling any carcasses, or parts or products of
2 carcasses, of any poultry, for commerce, for use as human
3 food or animal food;

4 “(2) Any person that engages in the business of
5 buying or selling (as poultry products brokers, whole-
6 salers or otherwise), or transporting, in commerce, or
7 storing in or for commerce, or importing, any carcasses,
8 or parts or products of carcasses, of any poultry;

9 “(3) Any person that engages in business, in or
10 for commerce, as a renderer, or engages in the business
11 of buying, selling, or transporting, in commerce, or im-
12 porting, any dead, dying, disabled, or diseased poultry
13 or parts of the carcasses of any poultry that died other-
14 wise than by slaughter.

15 “(c) No person shall engage in business, in or for com-
16 merce, as a poultry products broker, renderer, or animal food
17 manufacturer, or engage in business in commerce as a whole-
18 saler of any carcasses, or parts or products of the carcasses,
19 of any poultry, whether intended for human food or other
20 purposes, or engage in business as a public warehouseman
21 storing any such articles in or for commerce, or engage in
22 the business of buying, selling, or transporting in commerce,
23 or importing, any dead, dying, disabled, or diseased poultry,
24 or parts of the carcasses of any poultry that died otherwise
25 than by slaughter, unless, when required by regulations of

1 the Secretary, he has registered with the Secretary his name,
2 and the address of each place of business at which, and all
3 trade names under which, he conducts such business.

4 “(d) No person engaged in the business of buying, sell-
5 ing, or transporting in commerce, or importing, dead, dying,
6 disabled, or diseased poultry, or any parts of the carcasses of
7 any poultry that died otherwise than by slaughter, shall buy,
8 sell, transport, offer for sale or transportation, or receive for
9 transportation, in commerce, or import, any dead, dying, dis-
10 abled, or diseased poultry or parts of the carcasses of any
11 poultry that died otherwise than by slaughter, unless such
12 transaction, transportation or importation is made in accord-
13 ance with such regulations as the Secretary may prescribe to
14 assure that such poultry, or the unwholesome parts or prod-
15 ucts thereof, will be prevented from being used for human
16 food.

17 “(e) The authority conferred on the Secretary by para-
18 graph (b), (c), or (d) of this section with respect to per-
19 sons engaged in the specified kinds of business in or for
20 commerce may be exercised with respect to persons engaged,
21 in any State or organized territory, in such kinds of business
22 but not in or for commerce, whenever the Secretary deter-
23 mines, after consultation with an appropriate advisory com-
24 mittee provided for in section 5 of this Act, that the State or
25 territory does not have at least equal authority under its

1 laws or such authority is not exercised in a manner to effec-
2 tuate the purposes of this Act, including the State or territory
3 providing for the Secretary or his representative being af-
4 forced access to such places of business and the facilities,
5 inventories, and records thereof, and the taking of reasonable
6 samples, where he determines necessary in carrying out his
7 responsibilities under this Act; and in such case the pro-
8 visions of paragraph (b), (c), or (d) of this section, re-
9 spectively, shall apply to such persons to the same extent and
10 in the same manner as if they were engaged in such busi-
11 ness in or for commerce and the transactions involved were
12 in commerce.”

13 SEC. 12. Section 12 of said Act (21 U.S.C. 461) is
14 hereby amended as follows:

15 (a) Paragraph (a) is amended by changing the first
16 sentence to read:

17 “Any person who violates the provisions of section 9,
18 10, 11, 14, or 17 of this Act shall be fined not more than
19 \$1,000 or imprisoned not more than one year, or both;
20 but if such violation involves intent to defraud, or any dis-
21 tribution or attempted distribution of an article that is adulter-
22 ated (except as defined in section 4 (g) (8) of this Act),
23 such person shall be fined not more than \$10,000 or impris-
24 oned not more than three years, or both.”

25 (b) Paragraph (b) is amended by deleting the phrase

1 “not otherwise eligible” and substituting the phrase “other-
2 wise not eligible”; by deleting the word “slaughtered” each
3 time it appears; and by adding the following before the
4 period at the end of the paragraph: “or unless the carrier
5 refuses to furnish on request of a representative of the Secre-
6 tary the name and address of the person from whom he re-
7 ceived such poultry or poultry products, and copies of all
8 documents, if any there be, pertaining to the delivery of
9 the poultry or poultry products to such carrier”.

10 (c) A new paragraph (c) is added to read:

11 “(c) Any person who forcibly assaults, resists, opposes,
12 impedes, intimidates, or interferes with any person while
13 engaged in or on account of the performance of his official
14 duties under this Act shall be fined not more than \$5,000
15 or imprisoned not more than three years, or both. Who-
16 ever, in the commission of any such acts, uses a deadly or
17 dangerous weapon, shall be fined not more than \$10,000
18 or imprisoned not more than ten years, or both. Whoever
19 kills any person while engaged in or on account of the per-
20 formance of his official duties under this Act shall be punished
21 as provided under sections 1111 and 1114 of title 18,
22 United States Code.”

23 SEC. 13. Section 14 of said Act (21 U.S.C. 463) is
24 hereby amended by designating the present provisions thereof

1 as paragraph (b) ; by inserting the word “other” before the
2 word “rules” in said paragraph; and by adding a new para-
3 graph (a) to read:

4 “(a) The Secretary may by regulations prescribe con-
5 ditions under which poultry products capable of use as human
6 food, shall be stored or otherwise handled by any person en-
7 gaged in the business of buying, selling, freezing, storing, or
8 transporting, in or for commerce, or importing, such articles,
9 whenever the Secretary deems such action necessary to as-
10 sure that such articles will not be adulterated or misbranded
11 when delivered to the consumer. Violation of any such regu-
12 lation is prohibited. However, such regulations shall not
13 apply to the storage or handling of such articles at any retail
14 store or other establishment in any State or organized Terri-
15 tory that would be subject to this section only because of pur-
16 chases in commerce, if the storage and handling of such
17 articles at such establishment is regulated under the laws of
18 the State or Territory in which such establishment is located,
19 in a manner which the Secretary, after consultation with the
20 appropriate advisory committee provided for in section 5 of
21 this Act, determines is adequate to effectuate the purposes of
22 this section.”

23 SEC. 14. Section 15 of said Act (21 U.S.C. 464) is
24 hereby amended as follows:

25 (a) In paragraph (a), subparagraph (1) is deleted

1 and subparagraphs (2), (3), and (4) are redesignated,
2 respectively, as subparagraphs (1), (2), and (3) ;

3 (b) In paragraph (a), in redesignated subparagraph
4 (2) (formerly (3)), the date “July 1, 1960” is deleted and
5 the date “January 1, 1970” is substituted therefor;

6 (c) Paragraph (b) is redesignated as paragraph (e)
7 and new paragraphs (b), (c), and (d) are added to read:

8 “(b) The Secretary may, under such sanitary conditions
9 as he may by regulations prescribe, exempt from the inspec-
10 tion requirements of this Act the slaughter of poultry, and
11 the processing of poultry products, by any person in any
12 Territory not organized with a legislative body, solely for
13 distribution within such Territory, when the Secretary deter-
14 mines that it is impracticable to provide such inspection with-
15 in the limits of funds appropriated for administration of this
16 Act and that such exemption will aid in the effective adminis-
17 tration of this Act.

18 “(c) The provisions of this Act requiring inspection of
19 the slaughter of poultry and the processing of poultry prod-
20 ucts at establishments conducting such operations for com-
21 merce shall not apply to the slaughtering by any person
22 of poultry of his own raising, and the processing by him
23 and transportation in commerce of the poultry products
24 exclusively for use by him and members of his household
25 and his nonpaying guests and employees; nor to the custom

1 slaughter by any person of poultry delivered by the owner
2 thereof for such slaughter, and the processing by such
3 slaughterer and transportation in commerce of the poultry
4 products exclusively for use, in the household of such owner,
5 by him and members of his household and his nonpaying
6 guests and employees: *Provided*, That such custom slaugh-
7 terer does not engage in the business of buying or selling
8 any poultry products capable of use as human food.

9 “(d) The adulteration and misbranding provisions of
10 this Act, other than the requirement of the inspection legend,
11 shall apply to articles which are exempted from inspection
12 or not required to be inspected under this section, except
13 as otherwise specified under paragraph (a).”

14 SEC. 15. Section 16 of said Act (21 U.S.C. 465) is
15 hereby amended to read:

16 “SEC. 16. The Secretary may limit the entry of poultry
17 products and other materials into any official establishment,
18 under such conditions as he may prescribe to assure that
19 allowing the entry of such articles into such inspected estab-
20 lishments will be consistent with the purposes of this Act.”

21 SEC. 16. Section 17 of said Act (21 U.S.C. 466) is
22 hereby amended to read:

23 “SEC. 17. (a) No poultry products which are capable
24 of use as human food shall be imported into the United
25 States if such articles are adulterated or misbranded and un-

1 less they comply with all the inspection, building con-
2 struction standards, and all other provisions of this Act and
3 regulations issued thereunder applicable to such articles in
4 commerce within the United States. All such imported arti-
5 cles shall, upon entry into the United States, be deemed and
6 treated as domestic articles subject to the other provisions
7 of this Act and the Federal Food, Drug, and Cosmetic Act:
8 *Provided*, That they shall be marked and labeled as required
9 by such regulations for imported articles: *Provided further*,
10 That nothing in this section shall apply to any individual
11 who purchases poultry products outside the United States
12 for his own consumption except that the total amount of
13 such poultry products shall not exceed fifty pounds.

14 “(b) The Secretary may prescribe the terms and con-
15 ditions for the destruction of all such articles which are im-
16 ported contrary to this section, unless (1) they are exported
17 by the consignee within the time fixed therefor by the Secre-
18 tary, or (2) in the case of articles which are not in com-
19 pliance with the Act solely because of misbranding, such
20 articles are brought into compliance with the Act under
21 supervision of authorized representatives of the Secretary.

22 “(c) All charges for storage, cartage, and labor with
23 respect to any article which is imported contrary to this
24 section shall be paid by the owner or consignee, and in de-
25 fault of such payment shall constitute a lien against such

1 article and any other article thereafter imported under this
2 Act by or for such owner or consignee.

3 “(d) The knowing importation of any article contrary
4 to this section is prohibited.”

5 SEC. 17. Section 18 of said Act (21 U.S.C. 467) is
6 hereby amended to read:

7 “SEC. 18. (a) The Secretary may (for such period, or
8 indefinitely, as he deems necessary to effectuate the purposes
9 of this Act) refuse to provide, or withdraw, inspection service
10 under this Act with respect to any establishment if he de-
11 termines, after opportunity for a hearing is accorded to the
12 applicant for, or recipient of, such service, that such ap-
13 plicant or recipient is unfit to engage in any business re-
14 quiring inspection under this Act because the applicant or
15 recipient or anyone responsibly connected with the applicant
16 or recipient, has been convicted, in any Federal or State
17 court, within the previous ten years of (1) any felony or
18 more than one misdemeanor under any law based upon the
19 acquiring, handling, or distributing of adulterated, mislabeled,
20 or deceptively packaged food or fraud in connection with
21 transactions in food; or (2) any felony, involving fraud,
22 bribery, extortion, or any other act or circumstance indicating
23 a lack of the integrity needed for the conduct of operations
24 affecting the public health. For the purpose of this paragraph
25 a person shall be deemed to be responsibly connected with

1 the business if he was a partner, officer, director, holder, or
2 owner of 10 per centum or more of its voting stock or
3 employee in a managerial or executive capacity.

4 “(b) Upon the withdrawal of inspection service from
5 any official establishment for failure to destroy condemned
6 poultry products as required under section 6 of this Act, or
7 other failure of an official establishment to comply with the
8 requirements as to premises, facilities, or equipment, or the
9 operation thereof, as provided in section 7 of this Act, or the
10 refusal of inspection service to any applicant therefor be-
11 cause of failure to comply with any requirements under
12 section 7, the applicant for, or recipient of, the service shall,
13 upon request, be afforded opportunity for a hearing with
14 respect to the merits or validity of such action; but such
15 withdrawal or refusal shall continue in effect unless other-
16 wise ordered by the Secretary.

17 “(c) The determination and order of the Secretary
18 when made after opportunity for hearing, with respect to
19 withdrawal or refusal of inspection service under this Act
20 shall be final and conclusive unless the affected applicant for,
21 or recipient of, inspection service files application for judicial
22 review within thirty days after the effective date of such
23 order in the United States Court of Appeals as provided in
24 section 8 of this Act. Judicial review of any such order
25 shall be upon the record upon which the determination and

1 order are based. The provisions of section 204 of the
2 Packers and Stockyards Act of 1921, as amended, shall be
3 applicable to appeals taken under this section.”

4 SEC. 18. Sections 19 through 22 of said Act (21 U.S.C.
5 468, 469, 451 note) are hereby redesignated as sections 25
6 through 28, respectively, and new sections 19, 20, 21, 22,
7 23, and 24 are added to the Act to read, respectively:

8 “SEC. 19. Whenever any poultry product, or any prod-
9 uct exempted from the definition of a poultry product, or any
10 dead, dying, disabled, or diseased poultry is found by any
11 authorized representative of the Secretary upon any premises
12 where it is held for purposes of, or during or after distribution
13 in, commerce or otherwise subject to this Act, and there is
14 reason to believe that any such article is adulterated or mis-
15 branded and is capable of use as human food, or that it has
16 not been inspected, in violation of the provisions of this Act
17 or of any other Federal law or the laws of any State or
18 Territory, or the District of Columbia, or that it has been
19 or is intended to be, distributed in violation of any such
20 provisions, it may be detained by such representative for a
21 period not to exceed twenty days, pending action under
22 section 20 of this Act or notification of any Federal, State,
23 or other governmental authorities having jurisdiction over
24 such article or poultry, and shall not be moved by any person,
25 from the place at which it is located when so detained, until

1 released by such representative. All official marks may be
2 required by such representative to be removed from such
3 article or poultry before it is released unless it appears to
4 the satisfaction of the Secretary that the article or poultry is
5 eligible to retain such marks.

6 “SEC. 20. (a) Any poultry product, or any dead,
7 dying, disabled, or diseased poultry, that is being transported
8 in commerce or otherwise subject to this Act, or is held
9 for sale in the United States after such transportation, and
10 that (1) is or has been processed, sold, transported, or
11 otherwise distributed or offered or received for distribution
12 in violation of this Act, or (2) is capable of use as human
13 food and is adulterated or misbranded, or (3) in any other
14 way is in violation of this Act, shall be liable to be proceeded
15 against and seized and condemned, at any time, on a libel
16 of information in any United States district court or other
17 proper court as provided in section 21 of this Act within the
18 jurisdiction of which the article or poultry is found. If the
19 article or poultry is condemned it shall, after entry of the
20 decree, be disposed of by destruction or sale as the court
21 may direct and the proceeds, if sold, less the court costs and
22 fees, and storage and other proper expenses, shall be paid
23 into the Treasury of the United States, but the article or
24 poultry shall not be sold contrary to the provisions of this
25 Act, or the laws of the jurisdiction in which it is sold:

1 *Provided*, That upon the execution and delivery of a good
2 and sufficient bond conditioned that the article or poultry
3 shall not be sold or otherwise disposed of contrary to the
4 provisions of this Act, or the laws of the jurisdiction in which
5 disposal is made, the court may direct that such article or
6 poultry be delivered to the owner thereof subject to such
7 supervision by authorized representatives of the Secretary as
8 is necessary to insure compliance with the applicable laws.
9 When a decree of condemnation is entered against the article
10 or poultry and it is released under bond, or destroyed, court
11 costs and fees, and storage and other proper expenses shall
12 be awarded against the person, if any, intervening as claimant
13 of the article or poultry. The proceedings in such libel cases
14 shall conform, as nearly as may be, to the proceedings in
15 admiralty, except that either party may demand trial by
16 jury of any issue of fact joined in any case, and all such
17 proceedings shall be at the suit of and in the name of the
18 United States.

19 “(b) The provisions of this section shall in no way
20 derogate from authority for condemnation or seizure con-
21 ferred by other provisions of this Act, or other laws.

22 “SEC. 21. The United States district courts, the District
23 Court of Guam, the District Court of the Virgin Islands, the
24 highest court of American Samoa, and the United States
25 courts of the other territories, are vested with jurisdiction

1 specifically to enforce, and to prevent and restrain violations
2 of, this Act, and shall have jurisdiction in all other kinds of
3 cases arising under this Act, except as provided in section
4 8 (d) or 18 of this Act. All proceedings for the enforcement
5 or to restrain violations of this Act shall be by and in the
6 name of the United States. Subpenas for witnesses who are
7 required to attend a court of the United States, in any district,
8 may run into any other district in any such proceeding.

9 “SEC. 22. For the efficient administration and enforce-
10 ment of this Act, the provisions (including penalties) of
11 sections 6, 8, 9, and 10 of the Federal Trade Commission
12 Act, as amended (38 Stat. 721–723, as amended; 15 U.S.C.
13 46, 48, 49, and 50) (except paragraphs (c) through (h)
14 of section 6 and the last paragraph of section 9), and the
15 provisions of subsection 409 (1) of the Communications Act
16 of 1934 (48 Stat. 1096, as amended; 47 U.S.C. 409 (1)),
17 are made applicable to the jurisdiction, powers, and duties
18 of the Secretary in administering and enforcing the provi-
19 sions of this Act and to any person with respect to whom
20 such authority is exercised. The Secretary, in person or by
21 such agents as he may designate, may prosecute any inquiry
22 necessary to his duties under this Act in any part of the
23 United States, and the powers conferred by said sections 9
24 and 10 of the Federal Trade Commission Act as amended
25 on the district courts of the United States may be exercised

1 for the purposes of this Act by any court designated in section
2 21 of this Act.

3 “SEC. 23. Requirements within the scope of this Act
4 with respect to premises, facilities and operations of any
5 official establishment, which are in addition to, or different
6 than those made under this Act may not be imposed by any
7 State or Territory or the District of Columbia, except that
8 any such jurisdiction may impose recordkeeping and other
9 requirements within the scope of paragraph (b) of section
10 11 of this Act, if consistent therewith, with respect to any
11 such establishment. Marking, labeling, packaging, or ingredi-
12 ent requirements in addition to, or different than, those made
13 under this Act may not be imposed by any State or Territory
14 or the District of Columbia with respect to articles prepared
15 at any official establishment in accordance with the require-
16 ments under this Act, but any State or Territory or the Dis-
17 trict of Columbia may, consistent with the requirements
18 under this Act, exercise concurrent jurisdiction with the
19 Secretary over articles required to be inspected under this
20 Act, for the purpose of preventing the distribution for human
21 food purposes of any such articles which are adulterated or
22 misbranded and are outside of such an establishment, or, in
23 the case of imported articles which are not at such an estab-
24 lishment, after their entry into the United States. This Act
25 shall not preclude any State or Territory or the District of

1 Columbia from making requirement or taking other action,
2 consistent with this Act, with respect to any other matters
3 regulated under this Act.

4 “SEC. 24. (a) Poultry and poultry products shall be
5 exempt from the provisions of the Federal Food, Drug, and
6 Cosmetic Act to the extent of the application or extension
7 thereto of the provisions of this Act, except that the pro-
8 visions of this Act shall not derogate from any authority
9 conferred by the Federal Food, Drug, and Cosmetic Act
10 prior to enactment of the Wholesome Poultry Products Act.

11 “(b) The detainer authority conferred by section 19 of
12 this Act shall apply to any authorized representative of the
13 Secretary of Health, Education, and Welfare for purposes
14 of the enforcement of the Federal Food, Drug, and Cosmetic
15 Act with respect to any poultry carcass, or part or product
16 thereof, that is outside any official establishment, and for
17 such purposes the first reference to the Secretary in section
18 19 shall be deemed to refer to the Secretary of Health,
19 Education, and Welfare.”

20 SEC. 19. The heading “**Designation**” preceding sec-
21 tion 5 of said Act is hereby amended to read “**Federal**
22 **and State cooperation**”; the heading “**Labeling**” preceding
23 section 8 of said Act is hereby amended to read “**Labeling**
24 **and containers; standards**”; the heading “**Records of**
25 **interstate shipment**” preceding section 11 of said Act is

1 hereby amended to read **“Articles not intended for human**
2 **food; record and related requirements for processors of**
3 **poultry products and related industries engaged in com-**
4 **merce; registration requirements for related industries en-**
5 **gaged in commerce; regulation of transactions in com-**
6 **merce in dead, dying, disabled, or diseased poultry and**
7 **carcasses thereof; authority to regulate comparable intra-**
8 **state activities”**; and the heading **“Violations by exempted**
9 **persons”** preceding section 16 of said Act is hereby amended
10 to read **“Entry of materials into official establishments.”**

11 SEC. 20. If any provisions of this Act or of the amend-
12 ments made hereby or the application thereof to any person
13 or circumstances is held invalid, the validity of the remainder
14 of the Act and the remaining amendments and of the appli-
15 cation of such provision to other persons and circumstances
16 shall not be affected thereby.

17 SEC. 21. This Act shall become effective upon enact-
18 ment except as provided in paragraphs (a) through (c) :

19 (a) The provisions of subparagraphs (a) (2) (A) and
20 (a) (3) of section 9 of the Poultry Products Inspection Act
21 and the provisions of section 17 of said Act, as amended by
22 sections 9 and 16 of this Act, shall become effective upon the
23 expiration of sixty days after enactment hereof.

24 (b) Section 14 of this Act, amending section 15 of the

1 Poultry Products Inspection Act, shall become effective upon
2 the expiration of sixty days after enactment hereof.

3 (c) Paragraph 11 (d) of the Poultry Products Inspec-
4 tion Act, as added by section 11 of this Act, shall become
5 effective upon the expiration of sixty days after enactment
6 hereof.

90TH CONGRESS
2D Session

H. R. 15146

A BILL

To clarify and otherwise amend the Poultry Products Inspection Act, to provide for co-operation with appropriate State agencies with respect to State poultry products inspection programs, and for other purposes.

By Mr. PURCELL, Mr. Dow, Mr. SMITH of Iowa,
and Mr. FOLEY

FEBRUARY 6, 1968

Referred to the Committee on Agriculture

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 2930) for the relief of refugees from Sicily, Italy, and for other purposes, introduced by Mr. CLARK, was received, read twice by its title, and referred to the Committee on the Judiciary.

Mr. CLARK. Mr. President, last month a series of shattering earthquakes brought havoc and destruction to the island of Sicily. In a single night hundreds were killed, thousands were injured, and tens of thousands were left homeless.

The American people responded as they always have in such crises—promptly and generously. On the day of the earthquake U.S. Air Force transport planes, U.S. Navy cargo planes, U.S. Army trucks, tents, blankets, rations, and other emergency equipment were flown to the disaster area together with an American Army medical team. Since then, more than a score of voluntary organizations in America such as the American Red Cross, the Catholic Relief Services, and the Church World Service have been forwarding aid to the stricken area.

But in spite of this help, there are still many thousands of Sicilians without a home, work, or hope at this moment. The ties that bind this stricken island and the United States are intimate and strong. More than 25 million Americans claim Italy as the land of their descent, and many of them are of Sicilian lineage. That is why, in a very real way, Sicily's tragedy is our tragedy too.

To help the victims of this disaster I am introducing a bill today to permit 5,000 of the earthquakes' refugees to be brought to this country as refugee-immigrants. I urge Congress to act promptly on this legislation. Our spirit of fraternity with the people of Italy requires it. Our sense of humanity demands it.

WHOLESALE POULTRY PRODUCTS ACT

Mr. ELLENDER. Mr. President, on behalf of myself and the Senator from New Mexico [Mr. MONTOYA], and by request of the Department of Agriculture, I introduce, for appropriate reference, a bill to clarify and otherwise amend the Poultry Products Inspection Act, to provide for cooperation with appropriate State agencies with respect to State poultry products inspection programs, and for other purposes. I ask unanimous consent to have printed in the RECORD a letter from the Secretary of Agriculture, requesting the proposed legislation, together with an analysis of the proposed bill.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the letter and analysis will be printed in the RECORD.

The bill (S. 2932) to clarify and otherwise amend the Poultry Products Inspection Act, to provide for cooperation with appropriate State agencies with respect to State poultry products inspection programs, and for other purposes, introduced by Mr. ELLENDER (for himself and Mr. MONTOYA), by request, was received,

read twice by its title, and referred to the Committee on Agriculture and Forestry.

The letter and analysis, presented by Mr. ELLENDER, are as follows:

DEPARTMENT OF AGRICULTURE,
Washington, D.C.

Hon. JOHN W. MCCORMACK,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: In his message of February 7, 1968, the President recommended prompt enactment of a Wholesome Poultry Products Act. Accordingly, I am submitting a bill to carry out the President's recommendation, and I urge its early and favorable consideration by the Congress.

The Poultry Products Inspection Act was enacted on August 28, 1957. The act provides for inspection of processing of poultry or poultry products for "commerce" as defined in the act. Section 5 of the act provides that under certain conditions major consuming areas could be designated and all poultry products processed or sold in such areas could be required to be inspected. However, section 5 has proven to be ineffective and no areas have been designated. There are two primary reasons why this section has not been effective in extending inspection to intrastate plants. (1) The Secretary may not himself initiate action for designation; it has to originate with a State or local official or agency or a local poultry industry group. (2) The Secretary must find, inter alia, that the volume of noninspected poultry or poultry products is such as to burden the movement of inspected poultry products in "commerce." There are plants of significant size which process without inspection and sell poultry in intrastate commerce, some of which is unwholesome and not properly processed.

Experience has shown that additional legislation is urgently needed for the truly adequate protection of consumers, the legitimate operators in the affected industries, and others associated therewith.

About 13 percent of the poultry sold off farms is not prepared for distribution in "commerce" as defined in the act, and under present law is not subject to Federal inspection. Since only four States have active mandatory poultry inspection programs, the majority of these poultry products receive no inspection. These products are permitted to be intermingled in the retailing process with federally inspected products for sale to the unsuspecting public.

The object of the proposed bill is to eliminate the sale of unwholesome, adulterated, improperly processed, mislabeled, or deceptively packaged poultry products and to assure consumers that poultry products they buy are wholesome, unadulterated, and honestly packaged and labeled.

The proposed bill is very similar to the recently enacted Wholesome Meat Act. It would meet a need for establishing new authorities with respect to certain operators related to the poultry processing industry whose activities have a significant part in the marketing of poultry carcasses, parts thereof, and other poultry food products. This group includes renderers, animal food manufacturers, poultry products brokers, wholesalers, transporters, and cold storage warehousemen engaged in business in or for "commerce" and importers. Adequate and appropriate controls are necessary to protect consumers. The bill would authorize registration requirements and impose recordkeeping requirements with respect to such operators and would further require them to give access to representatives of the Secretary to their places of business for the purpose of examining records, inventories, and facilities and for taking samples upon payment therefor. These provisions would aid in preventing substitution of noninspected products for inspected products and otherwise deter buying, selling, and importation

of noninspected or adulterated or misbranded poultry products. These new authorities would also be conferred on the Secretary with respect to persons that conduct the kinds of business specified in the bill but not in or for commerce whenever the Secretary determines after consultation with an advisory committee that the State or other jurisdiction concerned does not have or is not adequately exercising at least equal authority under its laws.

The bill would provide authority for the Secretary to cooperate with the appropriate agency in any State in developing and administering State laws with respect to poultry inspection and other matters covered by the bill. Cooperation with the States could include furnishing advisory program planning assistance and technical and laboratory assistance training State inspection employees and financial aid. The Federal contribution could not exceed 50 per centum of the estimated total cost of the cooperative program. The bill also provides for the Secretary to appoint advisory committees consisting of appropriate State agency representatives for purposes of consultations with him on such matters as State program evaluation and establishing better coordination and more uniformity among State programs and between Federal and State systems. The authority for such cooperation would also extend to the organized Territories.

Auxiliary provisions of the proposed bill would provide detention, seizure and injunction authority needed to prevent distribution of products that are unfit for human food or otherwise in violation of the act. The bill would also clarify various authorities and make numerous technical changes to facilitate enforcement of the Act.

The additional Federal costs that would be incurred if the proposed legislation is enacted would be approximately \$5,000,000 for the first full year of operation and would be about \$10,000,000 when all 50 States are cooperating. These costs are based on the assumption that States will cooperate and pay 50 percentum of the estimated total costs for their inspection programs. If States do not wish to cooperate and the Federal Government is responsible for the entire inspection program, the Federal cost estimates will double for those States that fail to cooperate. Financial assistance to States in the development of their inspection programs is estimated to be \$4,400,000 in the first year, and technical assistance to States is expected to cost \$450,000. Training of State employees in use of Federal standards and methods and Advisory Committee costs will be about \$150,000.

The estimated first-year costs are based on the assumption that 24 States will enter the cooperative program during the first 12 months. Seventeen States now have some type of poultry inspection legislation. We assume that any of these that could qualify under the proposed legislation would enter a cooperative program immediately. The remaining States could enter the program as soon as they are able to enact legislation or take other steps necessary to qualify. However, there are no precise means of determining the number of States which would enter into cooperative agreements.

There are no means of accurately forecasting the number of plants which will elect to shift from their present intrastate status to interstate operations. Such a shift would reduce the cost of the cooperative program while significantly increasing Federal costs.

The proposed amendments would not derogate from authorities vested in the Department of Health, Education and Welfare under the Federal Food, Drug and Cosmetic Act. Provisions are included in the Bill to enhance the already established coordination between the two Departments in the administration of applicable food laws.

In addition to the draft bill, there is enclosed a section-by-section analysis of the bill with further comments as necessary to explain the effect of the provisions.

We believe that the enactment of the bill would not significantly affect consumer prices of poultry and poultry food products and that the bill is urgently needed in the interest of more adequate protection of consumers and other members of the public.

The Bureau of the Budget advises that enactment of this proposed legislation would be in accord with the President's program.

Sincerely yours,

ORVILLE L. FREEMAN.

ANALYSIS OF PROPOSED BILL TO AMEND THE POULTRY PRODUCTS INSPECTION ACT

Sec. 1. This section entitles the Bill as the Wholesome Poultry Products Act.

Sec. 2. Section 2 amends the legislative finding now in section 2 of the Poultry Products Inspection Act (PPIA) to conform to that in the Federal Meat Inspection Act (FMIA), including language to support the provisions of the Bill which affect intrastate commerce.

Sec. 3. Section 3 amends the policy statement in section 3 of the Act to coordinate it with other amendments made by the Bill, e.g. to refer to misbranded poultry products and delete reference to designated major consuming areas.

Sec. 4. Section 4 amends section 4 of the Act to revise the definitions of "commerce", "Secretary", "poultry product", "adulterated", "inspector", and "label", to delete the definitions of "official inspection mark", "wholesome" and "unwholesome", and to add numerous new definitions including definitions of "processed" and "misbranded". The amended or new definitions of terms conform closely to the definitions of those terms in the FMIA.

(a) In the present Act "commerce" means commerce between any State (including the Commonwealth of Puerto Rico and the Virgin Islands) or the District of Columbia and any place outside thereof; or between points within the same State or the District of Columbia but through any place outside thereof; or within the District of Columbia. The bill defines "commerce" to mean commerce between any State, any Territory (i.e. any territory or possession of the United States excluding the Canal Zone) or the District of Columbia and any place outside thereof; or within any unorganized Territory or the District of Columbia.

(b) A definition of "State" (including the Commonwealth of Puerto Rico) is added.

(c) A definition of "Territory" (including any territory or possession of the United States, excluding the Canal Zone) is added.

(d) A definition of "United States" is added. It covers all the States and Territories and the District of Columbia. The legislative history of the present Act indicates that the term now covers only those areas included in the definition of "United States" in 19 U.S.C. 1401, which formerly applied for purposes of the import meat provisions of section 306 of the Tariff Act of 1930 (19 U.S.C. 1306), repealed by the Wholesome Meat Act (Pub. Law 90-201).

(e) The definition of "poultry" is extended to include domesticated birds that died otherwise than by slaughter.

(f) The definition of "poultry product" is clarified and extended to include New York dressed poultry so as to make applicable thereto provisions of the Act relating to poultry products. The definition insofar as it relates to articles made from poultry carcasses or parts thereof, conforms to the definition of meat food product in the FMIA, although it does not include the phrase "capable of use as human food". The quoted phrase is added as appropriate elsewhere in the Act.

(g) The definition of "adulterated" is amended to conform to that in the FMIA with a nonsubstantive change in the proviso in subparagraph (g)(2) and with other changes necessary to make it applicable to poultry products. A paragraph relating to margarine is omitted as not applicable to poultry.

(h) The definition of "misbranded" is like that in the FMIA except for changes needed to make it apply to poultry products and except as follows:

Subparagraph (5) requires a label showing specified information whether the article is in a container or not; and authority would be given to the Secretary to exempt articles not in containers from labeling as to quantity.

In Subparagraph (12), the official establishment number is required, as well as the official inspection legend and other information. Also the prescribed information is required to appear on the article "and" on its containers as prescribed by regulations of the Secretary. This clarifies wording used in the FMIA with the same intent.

(i) "Secretary" is redefined to include the delegates of the Secretary in accord with Reorganization Plan 2 of 1953.

(j) Only a grammatical change is made in the definition of "person".

(k) The definition of "inspector" is changed to include reference to employees or officials of a Territory or the District of Columbia, as well as of a State, or the United States.

(l) The term "official mark" is added. It is a broader term than "official inspection inspection legend".

(m) The term "official inspection legend" is substituted for "official inspection mark" in conformity with the FMIA, except that provisions are added to include the combined State-Federal official inspection legend to be prescribed for use on poultry products processed under a State inspection system which the Secretary determines, imposes requirements at least equal to those under this act, as provided in subparagraph 5(c)(5) of this act.

(n) and (o) The terms "official certificate" and "official device" are added to conform to the FMIA.

(p) and (q) There is no change in the definitions of "official establishment" or "inspection service".

(r) Only a grammatical change is made in the definition of "container" or "package".

(s) "Label" is redefined and a definition of "labeling" is added in conformity with the FMIA. However the term "label" is changed to include written, printed or graphic matter upon any article as well as such matter upon the immediate container.

(t) and (u) No change is made in the definition of "shipping container" and "immediate container".

(v) A definition of "capable of use as human food" is added in conformity with the FMIA.

(w) A definition of "processed" is added, adapted from the definition of "prepared" in the FMIA.

(x) and (y) These paragraphs add definitions of "Federal Food, Drug, and Cosmetic Act"; and "pesticide chemical" and related terms identical with the definitions in FMIA.

(z), (aa) and (bb). These paragraphs add definitions of "poultry products broker"; "renderer"; and "animal food manufacturer" which are adapted from corresponding terms in the FMIA with only such changes as are needed to apply them to poultry or poultry products.

Sec. 5. This section deletes the present provisions in section 5 of the Act for designation of major consuming areas with respect to which the requirements of the Act would be applicable to intrastate activities, and it substitutes therefor provisions for Federal-State cooperation similar to those contained in Title III of the FMIA.

(a)(1) The Secretary would be authorized to cooperate with appropriate State agencies in developing and administering State poultry product inspection programs in any "State" (as defined to mean any State, the Commonwealth of Puerto Rico, or any organized Territory) which has enacted a State poultry products inspection law imposing ante-mortem and post-mortem inspection, reinspection and sanitation requirements, at least equal to those under the Federal Act for all or certain classes of intrastate operators.

(a)(2) The Secretary would be authorized to cooperate with appropriate State agencies in developing and administering State programs under State laws containing authorities at least equal to those provided in revised section 11 of the Act (records, registration and handling of dead, dying, disabled, or diseased poultry and other matters) and to cooperate with other agencies of the United States in carrying out the provisions of the Federal Act. Authority now in section 18(b) of the Act to conduct inspections, etc., under the Act through State employees is also incorporated and extended in revised section 5.

(a)(3) The cooperation with the States may include advisory assistance, technical and laboratory assistance and training, financial and other aid. The Federal contribution may not exceed 50 percent of the total cost of the program.

(a)(4) The Secretary would be authorized to appoint advisory committees of State personnel to consult with him on poultry products inspection and other matters within the scope of the Act.

(b) The term "appropriate State agency" is defined in conformity with the FMIA.

(c)(1). Subparagraph (c)(1) provides for extending Federal inspection and certain other requirements of the Act to intrastate activities, including operations at establishments slaughtering poultry or preparing poultry products solely for intrastate commerce. It would authorize the Secretary after specified periods to designate any State as one in which such requirements would apply to wholly intrastate operations and transactions upon his determination, in accordance with specified procedure, that the State requirements are not at least equal to the Federal requirements. This subparagraph also provides for extension of the Federal requirements to specific plants designated by the Secretary upon his determination that they produce adulterated poultry products, for intrastate distribution, which clearly endanger the public health.

(c)(2) Subparagraph (c)(2) would include limited exemption from inspection for traditional and usual types of operations at retail stores or restaurants or similar retail-type establishments otherwise subject to inspection only under paragraph (c).

(c)(3) Subparagraph (c)(3) provides for terminating the designation of States under paragraph (c), and also redesignating such States.

(c)(4) Under subparagraph (c)(4) the Secretary would be required to review the requirements of the several States not designated under paragraph (c) with respect to slaughter, processing, storage, handling, and distribution of poultry products, and inspection of such operations.

(c)(5) This subparagraph would authorize the distribution in commerce of poultry products processed under State inspection in accordance with requirements which the Secretary has determined are at least equal to the Federal requirements, when such products are marked with a combined State-Federal inspection legend under conditions prescribed by the Secretary. This provision would also relieve the Secretary of the obligation of providing regular Federal inspection at an establishment which initially processes products solely for intrastate commerce under a State inspection program and

then desires to distribute some of its products in "commerce," if the State program is found to be at least equal to the Federal program and the establishment operator elects to continue under State rather than Federal inspection.

(d) Paragraph (d) defines "State" to conform to the definition in the FMIA.

Sec. 6. Section 6 amends section 6 of the Act by making editorial changes to conform the language to other amendments made by the Bill, including adding the phrase "capable of use as human food" to qualify "poultry products" in the provisions for quarantine, segregation and reinspection.

Sec. 7. This section also makes editorial changes to conform to other amendments.

Sec. 8. This section deletes the present labeling provisions in section 8 of the Act and substitutes provisions identical with those in the FMIA except for necessary editorial changes (e.g. references to poultry products rather than meat and meat food products) and except that the requirement in the latter Act that certain information appear on the products "or" their containers, as the Secretary may require, is here clarified to require it on the products "and" their containers.

(a) The principal change made by this paragraph is in the label information to be required. The present Act specifies certain items required to appear on the shipping container and more extensive information for the immediate container. Under the revised section all the information necessary under the definition of "misbranded" would have to appear on the poultry product itself and on the shipping containers and immediate containers as the Secretary may require.

(b) This paragraph would confer specific authority on the Secretary to prescribe styles and sizes of type of required label information and to prescribe standards of identity or composition, or fill of container.

(c) This provision would prohibit sale in commerce of any article subject to the Act under a false or misleading name or in containers of a false or misleading form or size but allow the use of approved labeling and containers. Similar provisions are in present paragraph 8(b).

(d) This paragraph would authorize the Secretary to order labeling or containers to be withheld from use if there is reason to believe they are false or misleading and provide for administrative hearing and judicial review. This provision is essentially the same as in paragraph 8(b) of the present Act except that it includes authority to prevent use of containers of a false or misleading form or size.

Sec. 9. This section deletes the principal prohibition now in the Act and substitutes prohibitions like those in the FMIA plus others adapted from the present PPIA, and makes necessary editorial changes as well. Under the revised section it would be unlawful to:

(a) (1) slaughter poultry or process poultry products capable of use as human food at establishments processing such articles for commerce, except in compliance with the requirements of the Act. (This clarifies a prohibition now in paragraph 9(a) of the Act with respect to processing.)

(a) (2) sell, transport, offer for sale or transportation, or receive for transportation, in commerce (A) adulterated or misbranded poultry products capable of use as human food or (B) poultry products required to be inspected unless they have been inspected and passed.

(a) (3) adulterate or misbrand poultry products capable of use as human food while they are being transported in commerce or held for sale after such transportation.

Clause (9) (a) (2) (A) replaces comparable prohibitions in paragraphs 9(a), (b) and (d) and section 16 of the present Act with respect to mislabeled or unwholesome or adulterated articles and extends coverage into

areas now covered only by the Federal Food, Drug and Cosmetic Act. This is also true of subparagraph 9(a) (3). Clause (B) of revised subparagraph 9(a) (2) preserves prohibitions now in paragraph 9(a) with respect to distribution of poultry products that have not been inspected.

(a) (4) This provision clarifies and replaces the prohibition now in paragraph 9(i) with respect to the distribution of articles not qualifying under the present definition of "poultry product", principally "New York dressed poultry".

(a) (5) This paragraph clarifies and slightly relieves the present prohibition in paragraph 9(h) of the Act against use or revealing of information acquired under the Act.

(b) This paragraph clarifies and preserves prohibitions now in paragraph 9(c) against counterfeiting or simulating official identifications and related offenses, especially as to brand manufacturers and printers.

(c) This paragraph prohibits forgery, unauthorized use or destruction, or prohibited failure to use or to destroy, official devices, marks or certificates; knowing possession (without notifying the Secretary) of counterfeit "official" certificates, devices, or labels, or poultry carcasses, parts thereof or products bearing counterfeit "official" marks; and similar offenses. It also prohibits false statements in certificates prescribed under the Act and false representation of poultry products as inspected or exempted under the Act. Similar prohibitions are now contained in paragraphs 9 (c) and (e) of the Act, except as to false statements in certificates.

SEC. 10. This section makes editorial changes in section 10 of the Act relating to complete coverage of official establishments for conformity with other amendments.

SEC. 11. This section deletes the present record requirements in section 11 of the Act and substitutes the record and other provisions of Title II of the FMIA.

New paragraph 11(a) of the Act limits inspection under the Act to inspection of the slaughter of poultry and the preparation of poultry carcasses etc. intended for use as human food and requires denaturing or other identification, as prescribed by the Secretary, of poultry carcasses etc. not intended for such use before their distribution in commerce or importation.

New paragraph 11(b) of the Act would require keeping of records fully and correctly disclosing all business transactions by:

(1) persons engaged (for commerce) in the business of slaughtering poultry or processing, freezing, packaging or labeling carcasses, etc. of poultry for use as human food or animal food;

(2) persons engaged in the business of buying or selling in any capacity, transporting, or storing, in or for commerce, or importing any carcasses, etc. of poultry; and

(3) persons engaged in business, in or for commerce, as renderers, or in the business of buying, selling, or transporting in commerce, or importing any dead, dying, disabled or diseased poultry (hereinafter called "4-D poultry") or parts of the carcasses of any poultry that died otherwise than by slaughter, e.g. from natural causes.

Paragraph 11(b) also would require such operators to give representatives of the Secretary access to their places of business, and opportunity to examine records, facilities, and inventories and to take samples of their inventories upon payment therefor.

New paragraph 11(c) of the Act would authorize the Secretary to require registration of persons engaged in business, in or for commerce, as poultry products brokers, renderers, animal food manufacturers, wholesalers or public warehousemen of poultry carcasses, etc., and persons engaged in the business of buying, selling or transporting, in commerce, or importing, any 4-D poultry, or parts of the carcasses of any poultry that died otherwise than by slaughter.

New paragraph 11(d) would prohibit 4-D poultry or carcass handlers from buying, selling, or transporting, etc. in commerce or importing, any 4-D poultry, or parts of carcasses of any poultry that died otherwise than by slaughter, unless such transactions, etc. are made in accordance with the Secretary's regulations.

(2) persons engaged in the business of buying or selling in any capacity, transporting, or storing, in or for commerce, or importing any carcasses, etc. of poultry; and

(3) persons engaged in business, in or for commerce, as renderers, or in the business of buying, selling, or transporting in commerce, or importing any dead, dying, disabled or diseased poultry (hereinafter called "4-D poultry") or parts of the carcasses of any poultry that died otherwise than by slaughter, e.g. from natural causes.

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New paragraph 11(e) would provide that the authority conferred on the Secretary by paragraph (b), (c), or (d) with respect to persons engaged in the specified kinds of business in or for commerce, may be exercised by him respect to persons engaged in such business but not in or for commerce, and with respect to their transactions, when he determines, after consultation with an appropriate advisory committee provided for in section 5 of the Act that the State or Territory involved does not have or is not adequately exercising at least equal authority, including the State or Territory providing for the Secretary or his representative being afforded access to such places of business.

Sec. 12. This section would amend section 12 of the Act relating to penalties by substituting provisions adapted from section 406 of the FMIA, by making editorial changes in paragraph 12(b), and by adding as paragraph 12(c) prohibitions and penalties like those in section 405 of the FMIA with respect to forcible assaults, etc. against persons performing official duties under the PPIA.

Sec. 13. This section adds, to section 14 of the Act as paragraph (a), authority for the Secretary to regulate conditions of storage and handling of poultry products capable of use as human food by any person engaged in handling in commerce or importing such articles. It is the same as section 24 of the FMIA except for necessary editorial changes.

Sec. 14. This section amends the exemption provisions now in section 15 of the Act by:

(a) deleting the poultry producer exemption authority now contained in paragraph 15(a) (1) (a more restricted exemption is provided in new paragraph 15(c)); and preserving and redesignating as paragraph (a) (1) the exemption authority as to retail dealers now contained in paragraph 15(a) (2); redesignating as paragraph 15(a) (2) the provisions now contained in paragraph 15(a) (3) for exemption from inspection in cases

of impracticability to provide it; and redesignating as paragraph 15(a)(3) the religious exemption provisions now contained in paragraph 15(a)(4).

(b) extending until January 1, 1970 the expired authority of the Secretary under redesignated paragraph 15(a)(2) to exempt processors of poultry and poultry products for commerce from inspection when he finds it is impracticable to provide such inspection;

(c) redesignating as (e) present paragraph (b) relating to suspension or termination of exemptions and adding new paragraphs (b), (c) and (d) to the Act, as follows:

"(b)" Authorizing the Secretary to exempt from inspection the slaughter of poultry and processing of poultry products in any unorganized Territory solely for distribution therein when he finds it is impracticable to provide such inspection for lack of funds. (This is the same as paragraph 23(b) of the FMIA except for editorial changes.)

"(c)" Excluding from the inspection requirements of the Act, the slaughter by any person of poultry of his own raising and the processing by him of the poultry products thereof exclusively for use by him and members of his household and nonpaying guests and employees; and the custom slaughter and processing of such poultry, for such use, by custom slaughterers who do not engage in the business of buying or selling poultry products capable of use as human food.

(This is the same as paragraph 23(a) of the FMIA except for editorial changes.)

"(d)" Affirming the application of the adulteration and misbranding provisions generally to articles exempted or excluded from the inspection requirements.

Sec. 15. This section deletes the present provisions in section 16 relating to distribution of unwholesome or adulterated exempted poultry or poultry products since they are included in new subparagraph 9(a)(2)(A).

Section 15 of the Bill substitutes provisions clarifying the authority to limit the entry into official establishments of poultry products and other materials.

Sec. 16. This section amends the import provisions of section 17 of the Act to conform to the provisions in section 20 of the FMIA.

(a) It prohibits importation of poultry products capable of use as human food if they are adulterated or misbranded and unless they comply with all the inspection, building construction standards and other provisions of the Act and regulations thereunder applicable to such articles in domestic commerce. An exception is made for imports not in excess of 50 pounds by any person for his own consumption.

(b) This provision extends the authority of the Secretary to provide for destruction of articles imported contrary to the Act unless exported and in the case of merely misbranded articles allows them to be brought into compliance with the Act under official supervision, instead of being exported.

(c) This paragraph preserves and extends authority now contained in paragraph 17(c) of the Act for assessment of storage, cartage and labor charges against the owner or consignee of products refused admission.

Sec. 17. This section deletes the present provisions in section 18 relating to jurisdiction of the Secretary and cooperation with other branches of Government and State agencies in carrying out the provisions of the Act and substitutes provisions for refusal or withdrawal of inspection service under the Act. (Deleted matter is covered by sections 5 and 18 of the Bill.)

The new provisions in paragraph 18(a) would authorize withdrawal or refusal of inspection service under the Act for any establishment if the applicant for, or recipient of, the service is determined, in a formal administrative proceeding, to be unfit to engage in a business requiring such inspection because he, or anyone responsibly connected with him, has been convicted within the previous ten years, in any Federal or State

court of any felony or more than one misdemeanor under any law based upon acquiring, handling or distributing of adulterated, mislabeled, or deceptively packaged food or upon fraud in connection with transaction in food; or any felony involving any act which indicates a lack of the integrity needed for the conduct of operations affecting the public health.

New paragraph 18(b) would provide opportunity for hearing, upon request by the adversely affected processor, in cases in which inspection service has been withdrawn or refused because of failure to destroy condemned poultry products or otherwise comply with the requirements under section 7 of the Act. Provision would be made, however, for the withdrawal or refusal to continue unless otherwise ordered by the Secretary.

In paragraph 18(c), provision would be made for judicial review of orders in proceedings within paragraphs (a) and (b).

Sec. 18. This section redesignates present sections 19 (Cost of Inspection), 20 (Appropriations), 21 (Separability of Provisions), and 22 (Effective Date of the Original PPIA) as sections 25, 26, 27, and 28, and adds to the Act new sections 19 through 24 which correspond, respectively, to provisions in sections 402, 403, 404, 407, 408, and 409 of the FMIA.

New section 19 would authorize administrative detention by the Secretary of Agriculture's representatives of poultry products and other articles and 4-D poultry if found on any premises where held for purposes of, or during or after, distribution in commerce or otherwise subject to the Act and there is reason to believe that they are adulterated or misbranded and capable of use as human food, or that they have not been inspected, in violation of Federal or other laws or have been or are intended to be distributed in violation of such laws.

New section 20 would authorize judicial proceedings for seizure and condemnation of poultry products and 4-D poultry that are being transported in commerce or that are otherwise subject to the Act, or that are held for sale after such transportation, if they are or have been processed or distributed or offered or received for distribution in violation of the Act, or are capable of use as human food and are adulterated or misbranded, or are otherwise in violation of the Act.

New section 21 would give specified courts jurisdiction of actions to enjoin violations of the Act, and certain other cases under the Act.

New section 22 would incorporate by reference, provisions (including penalties), of the Federal Trade Commission Act and the Communications Act of 1934, as amended, authorizing requirement of reports, authorizing administrative subpoenas, and conferring other investigative and hearing powers.

New section 23 would exclude States, Territories, and the District of Columbia from regulating operations at plants inspected under the PPIA or from imposing marking, labeling, packaging or ingredient requirements in addition to or different than those under the Act for poultry products processed at official establishments in accordance with the Act, but would permit them to impose record-keeping and related requirements with respect to such plants if consistent with the Federal requirements and to impose requirements consistent with the Federal provisions as to other matters regulated under the Act.

New section 24 would coordinate the Poultry Products Inspection Act with the Federal Food, Drug, and Cosmetic Act by continuing the present exemption from the latter Act for poultry and poultry products to the extent of the application or extension thereto of the Poultry Products Inspection Act but providing that the provisions of the Poultry Products Inspection Act shall not derogate

from any authority conferred by the Federal Food, Drug, and Cosmetic Act prior to enactment of the Bill. This parallels provisions in subsection 902(b) of the latter Act and section 409 of the FMIA with respect to meat and meat food products. Section 24 also would extend the detention authority of section 19 to representatives of the Secretary of Health, Education and Welfare for purposes of enforcement of the latter Act with respect to poultry carcasses, and parts and products thereof.

Sec. 19. This section of the Bill would change the headings preceding specified sections of the statute to reflect other changes made by the Bill.

Sec. 20. This section contains the usual savings provision to apply in case of partial invalidity of the Bill.

Sec. 21. This section provides that the Bill shall become effective upon enactment except for the adulteration and misbranding provisions, import provisions, amendments of exemption provisions, and provisions relating to 4-D poultry which would become effective upon the expiration of 60 days after enactment.

THE INTERGOVERNMENTAL UTILITY CONSUMERS' COUNSEL ACT OF 1968

Mr. METCALF. Mr. President, I introduce for appropriate reference the Intergovernmental Utility Consumers' Counsel Act of 1968, a bill to modernize regulation of the major electric, gas, telephone, and telegraph utilities.

The bill has four principal objectives:

First. To require the utilities to report to regulatory bodies certain additional information which is pertinent to regulation and to public understanding of utility rates and procedures;

Second. To require the Federal Power Commission and Federal Communications Commission to report this and other information to Congress and the public in a timely and convenient manner, using automatic data processing to the fullest possible extent;

Third. To establish, at the Federal, State, and local levels, offices of Utility Consumers' Counsel, to represent the interests of utility consumers before regulatory commissions; and

Fourth. To establish a grant program to finance study of regulatory matters.

Mr. President, this bill is designed to help regulators carry out the large tasks assigned them by legislators. It is designed to provide the public with competent representation before regulators. It is designed to realize, in the utility area, the rights of consumers enunciated by President Kennedy in 1962 and reaffirmed by President Johnson in 1964 the right to be informed, the right to choose, the right to safety, the right to be heard.

The bill will not work hardship on any utility. It is designed to provide utility consumers the tools to obtain fair rates.

This bill provides an opportunity for substantial savings by the Federal Government. The Federal Government is the largest consumer of utility services in the country. It annually pays a utility bill of some \$4 billion. That is roughly one-tenth of the utilities' revenue.

The bill would authorize—in addition to whatever relatively small additional sums would be needed by the FPC and FCC—an annual appropriation equal to one-tenth of 1 percent—0.001—of the

There is also a right that Americans must enjoy. The right of safety on our streets. The initiative for federal action against crime is a democratic initiative. It is President Johnson who first proposed the Safe Streets Act. It is the Republican who opposed that initiative. As the President said in the State of the Union address, "there is no more urgent business before this Congress than to pass the Safe Streets Act this year that I proposed last year."

We will ask: What are the Republican plans concerning crime?

And finally, Americans must never relinquish their hope of living in a world of peace and security, to enjoy their right to live in peace and security. Americans because of our position of power cannot afford the luxury of most other people in the world. We cannot afford to sit on our hands and dream of the wonders of peace. If there is to be a better world, we must work for it, here and abroad. Freedom cannot be an island. It is indivisible. If we lose our nerve, if we accept easy and irresponsible positions, based either on too much force or too little backbone, we are weakening our own freedom and denying freedom to friendly nations, in South Vietnam and elsewhere.

I can tell you we will ask the Republican Party what it would do to strengthen the forces of freedom, while at the same time working for peace throughout the world.

And this time I don't think simple slogans are going to satisfy the American people.

So now you have our campaign plan. We have learned from the experience of the past, but we know that the strategy of 1948 is history, and the problems of 1968 must have new solutions.

And we have one more expectation: Our expectation about you, about the nation's news media. We Democrats expect one thing from you—no more and no less—we expect that you will report the facts objectively and fully. And let me emphasize. We have no fear about facts. We have no fear about the American people when they know all the facts. And knowing you as I do, I have no fear that factual—and it will be that—that factual, full, objective, professional reporting is precisely what you intend to provide.

We all know a free press is one of the basic tenets of our freedom, and in this room today I can tell you that I know freedom is secure, for I am certain the story of this critical year will be told fully, factually, and fairly.

Thank you very much.

President Acts To Assure Consumers Protection on Household Purchases

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1968

Mr. BROOKS. Mr. Speaker, President Johnson in his consumer message proposes an immediate study of the problem of repairs and guarantees on consumer products.

Every day new devices come on the market to save us time and energy. But they can also be a source of annoyance, for with every invention come new problems.

Consumers are not told how long products will last. The documents which supposedly guarantee free service and repairs are vaguely worded and often provide no real protection. And repair work is often poor—and always a gamble.

The consumer deserves better treatment—and the administration has moved to provide it. President Johnson has instructed his Special Assistant on Consumer Affairs, the Chairman of the Federal Trade Commission, and the Secretary of Commerce to immediately begin working with the industry to improve the quality of service and repairs; to assure that warranties say what they mean and mean what they say; and to inform consumers of how long a product can be expected to last.

The time has long since past when we could ignore the problems faced by the consumer in the marketplace. The President's proposals will go a long way toward assuring the American consumer that his hard-earned money will be profitably spent on quality products.

I commend his proposals to the attention of Congress.

Poultry Inspection

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1968

Mrs. SULLIVAN. Mr. Speaker, I am today introducing a bill on poultry inspection sent to me by Secretary of Agriculture Freeman in response to a request I made to him last fall following passage of the Wholesome Meat Act. I had asked for language to bring the Poultry Products Inspection Act of 1957 into conformance with the improvements we had just voted in the Meat Inspection Act.

As the Members will recall, I was the original sponsor of the poultry inspection law which we passed in 1957. I think I was the first Member of Congress to call attention to the need for Federal inspection of poultry.

The 1957 act contained a section permitting the designation of "major consuming areas" in which all poultry offered for sale would have to be federally inspected for wholesomeness. This section was intended to authorize compulsory Federal inspection of poultry sold only in intrastate commerce within such a "major consuming area." As numerous speeches and statements of mine appearing in the CONGRESSIONAL RECORD over the past 9 or 10 years will clearly show, the "major consuming area" machinery of the 1957 act has never been used and therefore can be presumed to be ineffectual.

In his consumer message today, President Johnson, among other things, asked for passage of a poultry inspection law such as the one I am now introducing. I believe other Members are introducing or cosponsoring similar bills. It is my intention to fight for early passage of effective legislation to assure the wholesomeness of all poultry sold in this country, which means the inclusion of poultry now sold only in intrastate commerce.

For instance, of 11 intrastate poultry plants recently inspected in Missouri, only two could pass Federal inspection requirements. Think of that.

"Untouchables" Unlimited Unelected

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1968

Mr. RARICK. Mr. Speaker, emotional and impressive sounding titles—positions of sacred trust and confidence over the lives and destiny of our people, but the documented roster of untouchables seems unlimited.

Day by day, it becomes clearer that any solution in Vietnam, Korea, or elsewhere cannot be solved until the problem of the "untouchable" meance within our own Government is handled.

The untouchables are a seeming elite corps of subversives, not elected by the people—they appoint each other, are mutually interdependent upon each other. They have no terms of office; and they manage to survive political partisanship—except through public opinion and the demand voice of Congress.

No stone must be left unturned to initiate more hearings and investigations to ferret out the disloyalist and dual citizenship employees of the Government, especially the State Department. Our role must be to overcome the ancient Greek adage:

If the gods want to destroy someone, first they strike him with blindness.

Was the *Pueblo* an accident? Until we replace the untouchables with pro-Americans—the mothers and dads of America can never be sure—nor can you and I.

Mr. Speaker, Mr. Frank Capell, through his *Herald of Freedom*, has released part VI of the "The Untouchables" which I place in the RECORD at this point:

THE UNTOUCHABLES—PART VI

The Senate Internal Security Subcommittee has issued its long-awaited report on State Department Security. This report, carefully documented by sworn testimony, is the result of two years of hearings the record of which was made public in twenty-five volumes. The views of Senator James O. Eastland, Chairman, and Senator Thomas J. Dodd, Vice Chairman of the Subcommittee, were stated at the beginning of the report, and read in part:

"The most outstanding negative aspect of the Otepka case has been its chilling effect upon all those Government employees, both in and out of the security field, who may quite reasonably see it as an object lesson teaching that honor and virtue are not their own reward if following the path of honor and virtue involves stepping on the toes of entrenched authority, or calls for disclosing matters embarrassing to officials in high places. . . .

"Until we can find a way to terminate the Otepka case with full justice to Mr. Otepka and every other witness who testifies, and with full and continuing recognition of the right of the Congress and its committees to obtain complete and accurate information with respect to wrong doing, subversive activity, or any other threat to our security which may exist or take place within the executive branch, we must not rest; for we must recognize that until this has been accomplished, the prerogatives of the legisla-

tive branch stand infringed, and its effectiveness stands curtailed."

Sen. Strom Thurmond presented his own individual views of what has been going on in the State Department. He said:

"The State Department's position has been . . . that no wrongdoing may be disclosed unless the disclosure is authorized presumably by the wrongdoers. . . . As amply set forth in this report and in the preceding volumes of testimony, the State Department was trying to hide a new policy of phasing out effective security procedures. The highest officers of the State Department no longer believed in the mandate to maintain critical standards of suitability and loyalty in employing personnel. . . .

"State Department personnel security policy is manifestly contrary to the intentions of Congress. State Department officers have attempted deliberately to hide this fact from an agency of Congress charged with overseeing security practices. The State Department has indulged in illegal acts, the destruction of the careers of honest men, misrepresentation, and perhaps perjury, in order to prevent Congress from carrying out its constitutional functions. This is an arrogant challenge, which must not be allowed to stand."

The facts that these hearings brought out have been known for years to our intelligence services . . . that there are many serious security risks employed in the federal government and particularly in the State Department. They remain in spite of their known subversive backgrounds and are protected and promoted. They are "The Untouchables." Sen. McCarthy (Joseph, that is) was destroyed when he began to seek them out. Scott McLeod, while he was head of the State Department Bureau of Security and Consular Affairs, had his investigators and evaluators help him prepare a list of security risks employed at that time in the State Department. Under date of June 27, 1956, McLeod notified the Secretary of State that there were 858 such risks, 648 of whom were risks because of Communist activities and associations. The balance was made up of homosexuals, alcoholics, drug addicts, mentally ill and others who had violated security regulations.

McLeod was removed from his job as top security man by the maneuver of making him Ambassador to Ireland. Before he left for Dublin in July, 1957, however, he took the precaution of turning over the original list and two onion skin copies to trusted friends. The only action officially taken by the State Department after notification of the existence of this list was to seek out and remove those responsible for its preparation. Scott McLeod, a former college football player, died of a heart attack on November 7, 1961, in Concord, N.H., at the age of 47. Otto Otepka and the other McLeod security men are still alive but all far removed from security work. Isn't it time we went after the people on the list rather than those who prepared it?

David Henry Popper is one of the persons on McLeod's list. He is still with the U.S. State Department, now being Deputy Assistant Secretary of State in the Bureau of International Organizations Affairs. He came into U.S. Government service through Alger Hiss in 1945 at which time he worked for and with Hiss. He was born in New York City on October 3, 1912, the son of Morris Popper and Lillian Greenbaum (Popper). He graduated from Harvard University in 1932 with an AB degree and received his MA in 1934. During part of the period from 1932 to 1933 he had a travelling fellowship in Europe and in 1941 had another one for travelling in Latin America. On March 8, 1936, Popper was married to Miss Florence Cecelia Maisel.

Soon after leaving Harvard in 1934 Popper was employed by the Foreign Policy Association where he worked for the next six years

until 1940. He was a research assistant under the direct supervision of the notorious Mrs. Vera Micheles Dean. Vera Micheles arrived in the United States from the Soviet Union in 1919. She became a U.S. citizen in 1928 after having obtained a Ph. D. from Radcliffe College. She was employed as Research Director by the Foreign Policy Association in 1928 and held this post until 1947 when she became Editor of Publications. As of June 30, 1960, Mrs. Dean's record of affiliations with Communist fronts took four pages to list when the House Committee on Un-American Activities prepared a report on her for Congressman James C. Davis.

Mrs. Dean was a member of the board of directors of the American Russian Institute, cited as Communist by a U.S. Attorney General and Communist-controlled by the Senate Judiciary Committee. This organization was intimately linked with the Institute of Pacific Relations and specialized in pro-Soviet propaganda. Mrs. Dean wrote articles for *Far Eastern Survey* and *Pacific Affairs*, both organs of the IPR. Page 4861 of the Senate Hearings on the IPR shows that David H. Popper was affiliated with the IPR also.

Mrs. Dean lectured at the Marxist-oriented New School for Social Research in New York City, the course being entitled "Asia in Ferment." Among those who lectured with her in this course were Owen Lattimore, Lawrence C. Rosinger, Derk Bodde, W. W. Lockwood and Harold R. Isaacs.

The Foreign Policy Association for which Popper worked under Mrs. Dean was cited in a Grand Jury Presentment by the March-April 1960 Grand Jury of Fulton County (Atlanta), Georgia and the Grand Jury of Bibb County, Georgia. Both examined the subversive type material sponsored by the F.P.A. and both recommended further investigations. The American Legion, Post 140, of Atlanta prepared a lengthy expose on the Foreign Policy Association which documented its subversive connections. The American Legion publication, *Firing Line*, of June 15, 1960, quoted from an article which appeared in *Plain Talk* of November 1946 as follows: "Under the present leadership of Vera Micheles Dean of the F.P.A.'s Research Department, its most influential section has been turned into a factory for propaganda to appease the Soviet Union and to apologize for its expansion in all directions. The American Legion publication also pointed out that the FPA received financial support from the Carnegie Endowment for International Peace during Alger Hiss' presidency of that organization and stated that Hiss advocated "close collaboration between the Carnegie Endowment and the FPA." The FPA also received financial support from the Rockefeller Foundation while Dean Rusk was its president.

Through his employment in the FPA Research Department, David Popper came into close contact with key people in the IPR and also with identified Communists, Soviet espionage agents and Communist sympathizers. The IPR Hearings (P. 5193) show that David H. Popper was a member of the editorial board of the magazine *Amerasia* which was cited by the Senate Judiciary Committee as a "Communist controlled magazine which was so closely linked into the IPR system that the IPR family ordinarily treated it as simply another of its publications." Frederick Vanderbilt Field was owner of fifty per cent of the stock of *Amerasia* and was chairman of the editorial board for more than three years. "When it ceased publication after the arrest in what has been known as the *Amerasia* Case in 1945, the subscription list was taken over by the *Far Eastern Survey*, official publication of the IPR." (Senate Report 2050, IPR, 7-2-52, pp 71-95-145-146)

On the editorial board of *Amerasia* with David H. Popper were Frederick V. Field, identified as a Communist and member of a Soviet espionage ring; Philip J. Jaffee (alias

Y. W. Phillips), managing editor, Russian-born and identified as a Communist and convicted in connection with the theft of over 1500 secret Government documents found in Amerasia offices or the homes of persons connected with it; Lillian Peffer, assistant editor; T. A. Bisson, identified as a Communist; Ch'ao-Ting Chi, identified as a Communist and affiliated with IPR; Owen Lattimore who was identified as a Communist but denied it, and was cited by the Senate Judiciary Committee as "a conscious articulate instrument of the Soviet Conspiracy;" William W. Lockwood, closely associated with Communists and espionage agents, an executive of the IPR; Cyrus H. Peake; William T. Stone, connected with IPR; and Harriet Levine Chi, identified as a Communist. Those most closely associated with Popper were the identified Communists, Field, Jaffee and Bisson.

Another Communist enterprise with which Popper's name was connected was Commonwealth College set up at Mena, Arkansas. In 1935 a Special Committee of the Arkansas Legislature investigated the college and the testimony of Hon. J. L. Shaver, a member of that committee was presented in a Hearing before the Special Education Committee of the Arkansas Legislative Council, held December 16, 17, and 18, 1958. It reads as follows:

"In 1925, Commonwealth College settled west of Mena, Arkansas. This school had no particular academic requirements, tuition or qualifications for students of faculty. No attempt was made to belie the fact that it was communistic in nature, and to a large extent was supported by organizations with subversive backgrounds."

There was an official investigation made of the college as a result of its displaying of the Communist hammer and sickle. The records of the college were obtained and it was reported that the name of David H. Popper was found in the confidential files and on the regular mailing list of the college. The U.S. Attorney General cited Commonwealth College as Communist and the Special Committee on Un-American Activities cited the college as "A Communist enterprise cited as subversive by an investigating committee of the Arkansas Legislature. It received money from the Garland Fund." The Garland Fund was also known as the American Fund for Public Service and was cited by the same House Committee—"it was a major source for the financing of Communist Party enterprises." William Z. Foster, who was Chairman of the Communist Party USA, served on its Board of Directors.

David H. Popper was reported as a dues paying member of the United Office and Professional Workers of America. In the Hearings of the Senate Internal Security Subcommittee entitled *Subversive Control of Distributive, Processing and Office Workers of America*, held in 1951-2, page 18, we find the testimony of W. A. Copeland, C.I.O. Regional Director:

"Mr. Arens. Do you have similar information with reference to the United Office and Professional Workers of America?"

"Mr. Copeland. They went through the similar process."

"Mr. Arens. And were they likewise expelled?"

"Mr. Copeland. They were expelled."

"Mr. Arens. And were they likewise expelled because the CIO found that the United Office and Professional Workers of America had followed the Communist Party program?"

"Mr. Copeland. That is the record of the CIO executive board. They were expelled for that reason."

Late in 1945, after Popper had served in the Army Chemical Warfare Service as a Captain, he came into the State Department as a specialist in International Organizations Affairs, where he worked with and under Alger Hiss. Other Hiss favorites were Harding Bancroft and Andrew Cordier, the

when there are apparently fewer operators on duty, in getting train information and reservations.

Something more serious is happening up and down the C. & O. line which is nothing more nor less than harassment of passengers and deliberate downgrading of service.

Here is a memorandum dated December 20, 1967, written from Clifton Forge, Va., on the stationery of the Chesapeake & Ohio Railway Co. It is addressed to the ticket agents at Charlottesville, Staunton, and Waynesboro. The memorandum reads as follows:

Please take necessary steps to see that the ticket clerks at your respective stations refrain from inquiring of each other concerning movement of passenger trains at adjacent stations.

Please be sure that this is understood by all concerned.

Now why do you suppose that the ticket agents were instructed not to inquire about the movement of passenger trains? Could it be that there was a top secret troop movement which was occurring along the C. & O. lines? You will note that there is absolutely no restriction on inquiring about freight movements from station to station. But no questions may be asked about passenger trains.

YOU CAN'T FIND OUT IF TRAIN IS LATE

The reason for the order is obvious. Any passenger who wants to avoid a long wait at the station, particularly if he lives a few miles away from the station, will telephone in to ask whether train 3 or 4 or whatever it is might be on time or how late it will be. Most customers when they inquire will meekly accept an evasive answer on the time of train arrivals. But there are hardly handful of incredulous travelers who have irately pounded at the ticket window and demanded to know why they cannot find out whether their train is going to be on time. This tests the good humor of the happiest and best-adjusted ticket agents, not to mention the composure of the prospective passenger.

I am proud to report that the ticket agents themselves are regrouping and taking the new orders in stride and with a new aplomb. Testing the system myself, I telephoned these ticket agents to ask them whether several trains would be on time, and after a pause they answered smoothly and truthfully:

It is posted on the bulletin board that the train is expected to be on time.

In the light of the above, I hope that Commissioners Tuggle and Deason will review the statement which they made in their decision of June 5, 1967, when they said:

We are convinced that the carrier has a genuine intent and wish to provide adequate passenger service for the public along the routes of these trains and recognizes its obligation to meet the requirements of the public convenience and necessity.

I trust, too, that Vice President Skidmore will also review the statement which he made on January 23.

KING COAL AND THE C. & O.

Beneath the rugged topography of my great State of West Virginia which poses obstacles for first-class airports and

first-class highways, lies the source of rich profits for the C. & O. That is bituminous coal which accounts for nearly 60 percent of the freight tonnage and close to 50 percent of the freight revenues for the C. & O. Standard & Poor's Corp. Descriptions, August-September, 1967, pages 6888-6889:

Bituminous coal hauled accounted for 59.7 per cent of 1966 total tonnage and 46.3 per cent of freight revenues.

In addition, the C. & O.'s wholly owned subsidiary, Western Pocahontas Land Corp., owns 152,651 acres of land in West Virginia and Kentucky, tributary to C. & O. lines, containing more than 400 million tons of mineable coal. Of this land, 73,818 acres containing 188,729,000 tons of mineable coal are leased to mine operators. So you can see, the C. & O. collects two ways—leasing the valuable coal land to the mine operators and then hauling their coal. Western also owns a half undivided interest in 2,924 acres in West Virginia, estimated to contain 405,000 net tons of coal.

The C. & O.'s annual dividend of \$4 was paid for the 11th consecutive year and net income was \$52.3 million for 1967—less than in 1966 and 1965 but higher than in any of the years 1960 through 1964. Coal revenues rose \$4 million, however, the C. & O. said in its annual report—1967 flash annual report, the C. & O./B. & O. Railroads, January 2, 1968.

Many West Virginians feel that because the C. & O.'s strong financial position is due in a large part to its revenues from hauling West Virginia coal and to its holdings of West Virginia property, the railroad as a matter of public interest should provide passenger train service. The loss can be absorbed by its sizable coal and freight profits.

I recall that back in 1962, the C. & O. came before the ICC and appealed for authority to cut off train Nos. 5 and 6, running between Washington and Huntington. Let us take these two trains off, and with the savings, we will be able to provide high-class service to the four remaining trains running between Washington and Cincinnati which also serve Huntington, the C. & O. officials pleaded.

The authority was granted, the trains were taken off, and what happens? Four years later, the C. & O. came up again before the ICC, wanting to take six trains off, including two on the Washington-Cincinnati run.

THE SALES BLITZ CAMPAIGN

A group of C. & O. representatives, wearing white hats, descended on various cities with an exhibit of modern rail cars to stage a sales blitz campaign. It was a superficial promotion.

Samual Bauserman of 616 South Terrace, Huntington, W. Va., wrote to me on January 8, 1968:

While visiting the Ashland, Ky., station, I looked at some passenger cars now in service since the "show train" with the promoted "good guys" had left, and noticed that the sides of the cars contained large areas of rust.

A Marshall University student wrote that in Charleston the display of cars was open from 10 a.m. to noon and from

2 p.m. to 4 p.m. In early evening hours when most families visited the cars, they found "closed" signs in the doorways with a burly railroad police agent to shoo them away.

While in Charleston, the guys in White Hats abruptly left a press party they had hosted in order to catch the last United Airlines plane for Baltimore even though their own George Washington passenger train left for the same city an hour later.

Here is the reaction of W. F. Ackerman of St. Albans, W. Va. He wrote:

The C&O had two passenger cars on display with several white-hatted attendants last summer in Charleston, W. Va. This was advertised to show that "Chessie Loves Passengers."

This was a complete farce.

I visited the two cars on display and I could hardly get an attendant to listen to me. They were more interested in huddling together among themselves and telling jokes.

I tried to make some points to one of them to improve their service. He scarcely gave me any attention and made no notes as to what I was saying. The two cars on display were bright and clean. I asked him why they did not clean up their coaches on their regular runs so a man could feel free to sit down without ruining a good suit of clothes. He made no reply.

TRAIN TRAVEL AND THE BALANCE OF PAYMENTS

President Johnson, because of the seriousness of our balance-of-payments situation, is asking for restrictions on American travel abroad. This means that more and more Americans will be switching their travel plans, and rediscovering America. The April 25, 1967, brief of counsel for the C&O stated on page 3 that the record was "barren of evidence" that "passengers utilizing the service enjoy some of the most spectacular scenery in the country." I invite counsel for the C&O to raise the curtain on his window as the train rolls through the rare and rugged beauty of the New River Gorge, through Gauley Bridge and down the on-rushing Kanawha River. No longer will it be possible to see any of the towering mountains of West Virginia in daylight if these trains are discontinued.

With more Americans traveling at home, it stands to reason that many passengers will wish to escape the congestion of the highways and airways for the relaxation, safety, and convenience of rail travel. In conjunction with many other Congressmen, I have introduced legislation to encourage greater foreign travel in this country, to help alleviate the balance of payments problem. This, too, will result in more passenger train travel.

STUDENT AND PASSENGERS CLUTTER THE PLACE UP

Over 25 years ago, when I first began to teach political science at Columbia University, I was horrified one day to hear a professor remark to me, as he was going to a class lecture:

These students are a complete waste of time. This university would be a great institution if it weren't for the damned students who clutter the place up.

That remark comes back to mind when we see the attitude of the top management of the C. & O./B. & O., which all too often in practice seems to be: "This would be a great railroad if it

were not for the nuisance of the passengers who clutter the place up."

CONCLUSION

In the light of the demonstrated attitude of defeatism by the top management of the C. & O. B. & O., the Interstate Commerce Commission must rise to its responsibilities and protect the public convenience and necessity by retaining at least trains 3 and 4. I believe that the passenger business is so surprisingly good, and that trains are still filled on most occasions, is a real tribute not to the railroad policy but to the hardiness and ruggedness of the passenger train traveler. Give him just an even break and he will come back more frequently and bring his friends, too.

For all these reasons, I hope that the Interstate Commerce Commission will do its duty in the public interest, and order that these vital passenger trains keep running.

I hope that my colleagues in the House of Representatives will be alerted to the dangerous spread of deliberate downgrading of passenger train service.

POULTRY INSPECTION BILL

The SPEAKER pro tempore (Mr. STRATTON). Under previous order of the House, the gentleman from Iowa [Mr. SMITH] is recognized for 10 minutes.

Mr. SMITH of Iowa. Mr. Speaker, the administration has today submitted a proposed poultry inspection bill. Some of us had previously indicated that we will support and help secure enactment of a bill that provides protection for consumers of poultry products which parallels the provisions of the Wholesome Meat Act of 1967 relating to red meats. Although the gentleman from Washington [Mr. FOLEY] and I are cosponsors along with the gentleman from Texas [Mr. PURCELL], of the administration's bill, I believe that some changes should be made in the bill. The administration bill does provide most of the protection included in the new law regarding red meats but there are at least a few provisions that are different which I believe should not have been changed.

The proposed bill deletes the requirement that the Secretary of Agriculture shall at least annually review the enforcement by States which have been designated as having an adequate inspection system. It also eliminates the requirement that an annual report of such review be made to the Congress. I think it is absolutely essential that these reviews and reports be made and that failure to have them be made and available to the Congress would almost certainly result in less than adequate inspection in some States.

The proposed bill also eliminates the word "mandatory" from the requirement that the State laws to be adequate must require ante mortem and post mortem. A voluntary inspection system simply is not enough to provide the protection the consumer needs. I understand the Department does not disagree with this statement but thought the word "mandatory" to be superfluous. I do not think that should be left in doubt and that the full description should be included.

The proposed bill also would permit poultry products from nonfederally inspected plants in designated States to be sold in interstate commerce. In effect, this would make the designation of a State as having an adequate inspection system sufficient to permit a plant to broaden its market to customers in other States. If that is to be permitted, we should provide a very responsive triggering device to detect and stop such sales where the State system becomes inadequate after having been designated as adequate. I think this provision needs to be very carefully reviewed and it may need to be eliminated.

I also am still not satisfied with the lack of adequate protection during the next 2 years in some States in both the Wholesome Meat Act and the proposed bill and believe this should be improved upon in the poultry bill.

Although I believe the bill introduced today, of which I am a cosponsor, represents most of what needs to be done, I think that the matters I have mentioned here, together with a few others, should be carefully discussed and some changes made before the bill is passed into law.

GREATER PUBLIC PUSH IS NEEDED IN POLLUTION FIGHT

(Mrs. BOLTON asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. BOLTON. Mr. Speaker, on Sunday, January 28, the Cleveland Plain Dealer devoted its entire editorial page to the subject of air and water pollution.

The magnitude of this problem is so great that it is going to take concerted action on the part of all levels of government—local, State, and Federal—in order to achieve results. The Plain Dealer has very aptly pointed out that "to get that action, the public will have to demand it."

Because of the great interest in this subject, I am including the editorial page herewith as part of my remarks:

GREATER PUBLIC PUSH IS NEEDED IN POLLUTION FIGHT

The nation has walked long enough down the anti-pollution road. It's time to start running.

Despite millions poured into air and water pollution abatement since America woke up to the dangers of environmental poisoning in the 1950s, the quality of our air and water has not improved.

The millions were well-spent, keeping deterioration of the environment from becoming infinitely worse.

But new sources of pollution arising from a fast-growing population and soaring industrial activity have kept the nation on a treadmill.

There are hopeful signs that the nation is ready for the run:

Public pressure has produced federal water pollution control legislation which is forcing the states to establish water quality criteria. The next battle will be in enforcement. Will it be effective enough to see that the goals are achieved?

New federal legislation on air pollution control finally recognizes that protection of our air is a national responsibility.

There are signs that the Ohio government is beginning to meet its responsibilities in air and water management.

The legislature last year strengthened water pollution controls and put the state for the first time into air pollution control. It also moved to upgrade solid waste disposal practices with the likelihood that the days of open burning and open dumping of garbage and trash are numbered.

The Ohio Water Pollution Control Board, in response to public prodding, appears to be getting tougher in its enforcement program. But it has a long way to go.

Under a bond program proposed by Gov. James A. Rhodes the state, for the first time, will help municipalities build and expand sewage treatment plants. State willingness to assist in financing will result in increased federal participation, which will be of great benefit to the cities.

An Ohio Water Development Authority proposed by the governor is an imaginative program that would help solve the perplexing problem of treating industrial wastes.

The Ohio Water Commission, an arm of the Department of Natural Resources, has developed for northwest Ohio what may be the best long-range plan for water use that has been formulated anywhere in the nation.

The key to success of any of these programs is public support and public pressure.

The universal desire for clean water and air, unspoiled open spaces, green parks and some beauty in physical surroundings, and the universal repugnance toward unsightly dumps, noise, ravaged hillsides and billboard clutters must be voiced clearly, forcefully and often.

Public clamor moves legislators to enact laws and appropriate funds needed to implement them. It gives administrators the fortitude for enforcement in the face of strong counter-pressures for delays.

In response to strong demand, political action can achieve the application of the technology that already exists, but has not been used, to solve a good many of our pollution problems.

It is, of course, costly to build sewage systems and to install air scrubbers in factories. And, faced with the prospect of costly outlays, it is relatively simple, as a New Jersey air pollution official put it, "to engage in excessive procrastination."

The nation, however, can no longer afford to procrastinate. Deterioration of our environment has become one of our most pressing domestic problems and is adversely affecting the physical and mental health of its citizens. If it goes unchecked, it could threaten man's very existence.

A task force on environmental health problems appointed by retiring Secretary John W. Gardner of the Department of Health, Education and Welfare reached two important conclusions early in its study.

The first was that the contamination which man creates can be corrected if technological genius is brought to bear on the problems.

The second was that action cannot wait until technology solves all the problems. Action must be taken now, on the knowledge now available, while better answers are being sought.

We would reiterate a third conclusion: To get that action, the public will have to demand it.

ENVIRONMENT: MAN IS KEY TO BALANCE

Human ecology is a term heard increasingly in discussions of conservation. It is the study of the interaction of man and his environment.

Disturbance of one aspect of the environment can have a deleterious effect on another—to man's ultimate sorrow.

Leveling a forest or overgrazing grassland can lead to floods or duststorms. Draining and "developing" an estuary can ruin aquatic breeding grounds and lose a fishery. Spraying DDT to control mosquitoes can kill

10. SALINE WATER RESEARCH. The Interior and Insular Affairs Committee ordered reported (but did not actually report) with amendments S. 2912, to authorize funds for the saline water conversion program for fiscal year 1969. p. D121
11. CROP INSURANCE. Received from this Department the annual report of the Federal Crop Insurance Corporation for 1967. p. S1645
12. HOUSING. Both Houses received from HUD a draft bill to assist in the provision of housing for low and moderate income families; to Banking and Currency Committees. pp. S1645, H1388
13. RIVER BASINS. Both Houses received from Interior a draft bill to increase the authorization for continuing work in the Missouri River Basin; to Interior and Insular Affairs Committees. pp. S1646, H1388
14. COSPONSORS. Sens. Anderson, Byrd, W. Va., McGee, and Yarborough were added as cosponsors of S. 2932, amendments to the Poultry Products Inspection Act, and ~~Sen. Long was added as cosponsor of S. 2040, to prevent roadbed erosion.~~ pp. ~~S1665-6~~
15. CHILD NUTRITION. Sen. Montoya inserted an explanation of his bill, S. 2871, to amend the National School Lunch Act to provide for a 3-year pilot special food service program for children, and to continue the authority for the school breakfast program; and requested consent for addition of several cosponsors. pp. S1665-6 the food services programs
Sen. Montoya commended/and inserted a press release setting forth Secretary Freeman's remarks on domestic food aid progress. pp. S1695-6
16. POULTRY. Sen. Montoya submitted the following amendments to S. 2932, to clarify and otherwise amend the Wholesome Poultry Products Act: (1) insure that the Secretary of Agriculture shall report at least annually to the appropriate committees of Congress with respect to the effectiveness of the poultry inspection and enforcement programs within all the States whether such programs are Federal and/or State programs; and (2) insure that the "ante" and "post-mortem" inspection laws which a State must provide to be eligible for Federal financial and technical assistance must call for "mandatory" "ante-" and "post-mortem" inspection. pp. S1666-7
17. ENVIRONMENTAL QUALITY. Sen. Nelson commended and inserted Secretary Freeman's speech which "describes...specific problems which illustrate the need to develop broad soil and water conservation programs..." pp. S1683-4
18. CONSUMER. Sen. Hart congratulated a biweekly Wash. Newsletter, "U. S. Consumer," on approaching its first anniversary. pp. S1684-5
19. FARM INCOME. Sen. Symington expressed concern with the "serious plight of America's family farmer," and stated that "farmers--with the leadership of Secretary of Agriculture Orville Freeman, and help from the Congress--will work together to adjust their 1968 production downward and to strengthen their bargaining position in the marketplace," and inserted articles on this subject. pp. S1685-7

20. INTERGOVERNMENTAL RELATIONS. Sen. Long, Mo., commended and inserted a speech by Gov. Hearnes, Mo., on the relationship between the Federal Government and State and local governments. pp. S1714-5
21. TRADE POLICIES. Sen. Talmadge commended and inserted a speech by Sen. Long, La., "Need for Reappraisal of U. S. International Economic Policies," in which he presented his analysis of U. S. commercial trade policies. pp. S1707-10
22. TRUTH IN LENDING. Sen. Bartlett spoke in favor of the restriction on the use of garnishment of wages which was included in the House-passed version of the truth-in-lending bill. pp. S1705-6
23. MEXICAN-AMERICANS. Sen. Montoya and Rep. Gonzalez spoke on the progress which has been made toward improvement of opportunity for Spanish-speaking Americans and inserted a Presidential statement on this subject. pp. S1704-5, E1182
24. WILDERNESS. The Interior and Insular Affairs/Committee reported without amendment S. 2531, to designate the San Gabriel Wilderness, Angeles National Forest, Calif (S. Rept. 1008). p. S1646
Sen. Hansen inserted an article by a Forest Service employee setting forth key considerations for making determinations in wilderness matters. pp. S1690-2
25. RURAL DEVELOPMENT; REA. Sen. Nelson inserted an article describing the success story of a rural industry in S. C., and cited the Rural Electrification Administration for providing the electric power. pp. S1699-1700
26. FARM BARGAINING. Sen. Hansen inserted a speech by Sen. Miller, Ia., presenting his views on the importance of foreign trade and fiscal policy as related to bargaining power for farmers. pp. S1702-3

EXTENSION OF REMARKS

27. FARM PROGRAM. Rep. Zwach spoke in favor of steps to prevent further activity by corporations buying rural real estate. p. E1108
Rep. Resnick stated "My investigation shows that the Farm Bureau is not now and never was a farm organization. p. E1195
28. CENSUS. Rep. Betts inserted an article, "Voluntary Census Favored by Independent Businessmen." p. E1119
29. WATER POLLUTION. Rep. Chamberlain inserted several articles supporting legislation to safeguard our water resources. pp. E1122-7
30. OPINION POLL. Rep. Fascell inserted the results of an opinion poll including items of interest to this Department. p. E1142
31. EDUCATION. Rep. Machen urged strengthening of vocational education programs and advocated curtailment of nonessential government expenditures. pp. E1194-5

Secretary shall consult with the heads of such departments and agencies for the purpose of identifying and eliminating duplication of effort.

SEC. 206. (a) The Secretary is authorized to establish such advisory committees as he deems desirable for the purpose of rendering advice and submitting recommendations to him relating to the carrying out of the purposes of this title. Such advisory committees shall render advice and submit recommendations to the Secretary upon his request and may submit recommendations to the Secretary at any time on their own initiative. The Secretary may designate employees of the Department of the Interior to serve as secretaries to the committee.

(b) Members of advisory committees appointed by the Secretary may receive not to exceed \$100 per day when engaged in the actual performance of their duties, in addition to reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties.

SEC. 207. The Secretary is authorized to participate in environmental research in surrounding oceans and in other countries in cooperation with appropriate departments or agencies of such countries or with coordinating international organizations if he determines that such activities will contribute to the objectives and purposes of this Act.

TITLE III—WASTE MANAGEMENT RESEARCH

SEC. 301. (a) (1) The Secretary of Health, Education, and Welfare (hereinafter referred to as the "Secretary") shall organize the research and related activities authorized by the Clean Air Act, as amended, and the Solid Waste Disposal Act, as amended, into a comprehensive program for research in waste management. The Secretary shall insure that the program is organized, planned, and conducted with singleness of purpose and maximum effectiveness, and for this purpose the most advanced management and research methods and techniques, including systems analysis and systems engineering, shall be employed.

(2) The Secretary is authorized to consult with the Secretary of the Interior for the purpose of including research and related activities authorized by the Federal Water Pollution Control Act, as amended, in the program authorized in this title, and the Secretary of the Interior is authorized to cooperate to the extent practicable with the Secretary for such purpose.

(b) As a foundation for the work of the waste management research program established by subsection (a) of this section, the Secretary shall have compiled a national inventory of waste management needs and problems, and of present waste management methods, including the costs of these methods.

(c) The Secretary shall also establish within the Department of Health, Education, and Welfare (hereinafter referred to as the "Department") an office to collect from appropriate sources and to disseminate actively to the general public, to agricultural, industrial, and commercial groups and their representatives, and to Federal, State, and local government agencies and their representatives, such information as is available regarding all aspects of air, water, and soil pollution, including in particular the extent and dangers of such pollution, and the financial and technical assistance available from the Federal Government for research on, and prevention and abatement of, such pollution.

(d) The Secretary shall assist and advise the Council on Environmental Quality established under title I of this Act.

SEC. 302. (a) The Secretary shall encourage and arrange for full and complete cooperation between the waste management research programs established under section 301(a), and those programs of other departments and agencies of the Federal

government engaged in research and development work on any aspect of waste management.

(b) The Secretary is hereby authorized to request, and the departments and agencies of the Government are directed to grant, the use of the waste disposal installations and facilities of any such department or agency for the purpose of testing and evaluating new methods, procedures, and equipment for waste management: *Provided*, That in the judgment of the department or agency concerned such test and evaluation work will not disrupt, disorganize, or in any way interfere with the normal activity, operations, and functioning of such agency or department: *Provided further*, That any expense incurred in such test and evaluation work above and beyond the normal and usual expense of operating the waste disposal installations and facilities of the agency or department concerned shall be borne by the department.

SEC. 303. When used in this title—

(a) the term "waste" means the unwanted solid, liquid, and gaseous materials from agricultural, industrial, commercial, domestic, and community production and consumption activities, discarded or discharged into or onto the atmosphere, water courses, or the ground;

(b) the term "waste management" means the planned, organized, and efficient collection, treatment, reclamation, and disposal of waste to minimize or prevent air, water, and soil pollution; and

(c) the term "research" means (1) studies, investigations, and experiments for the development of basic and applied knowledge bearing on waste management in the physical, biological, social, and earth sciences; and (2) the design, development, and testing of equipment, methods, and processes for waste management.

TITLE IV—APPROPRIATIONS

SEC. 401. There are hereby authorized to be appropriated for the fiscal year beginning July 1, 1968, and for each of five succeeding fiscal years, such amounts as may be necessary for the purposes of this Act.

ADDITIONAL COSPONSORS OF BILLS

Mr. MONTROYA. Mr. President, I ask unanimous consent that, at its next printing, the names of the Senator from New Mexico [Mr. ANDERSON], the Senator from West Virginia [Mr. BYRD], the Senator from Wyoming [Mr. MCGEE], and the Senator from Texas [Mr. YARBOROUGH] be added as cosponsors of the bill (S. 2932) to clarify and otherwise amend the Poultry Products Inspection Act, to provide for cooperation with appropriate State agencies with respect to State poultry products inspection programs, and for other purposes.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. MONTROYA. Mr. President, I also ask unanimous consent that, at its next printing, the names of the Senator from Idaho [Mr. CHURCH], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Alabama [Mr. HILL], the Senator from Utah [Mr. MOSS], and the Senator from Connecticut [Mr. RIBICOFF], be added as cosponsors of the bill (S. 2936) to amend title XVIII of the Social Security Act so as to include, among the health insurance benefits covered under part B thereof, coverage of certain drugs.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. MONTROYA. Mr. President, I further ask unanimous consent that, at its next printing, the names of the Sen-

ator from Michigan [Mr. HART], the Senator from West Virginia [Mr. RANDOLPH], the Senator from New Jersey [Mr. WILLIAMS], the Senator from Texas [Mr. YARBOROUGH], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Oregon [Mr. MORSE], the Senator from West Virginia [Mr. BYRD], the Senator from Hawaii [Mr. INOUE], the Senator from Washington [Mr. MAGNUSON], the Senator from Wyoming [Mr. MCGEE], the Senator from Alaska [Mr. GRUENING], the Senator from Pennsylvania [Mr. SCOTT], the Senator from Missouri [Mr. LONG], the Senator from Montana [Mr. METCALF], the Senator from Maryland [Mr. BREWSTER], the Senator from New Jersey [Mr. CASE], the Senator from Connecticut [Mr. DODD], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Maryland [Mr. TYDINGS], the Senator from Wisconsin [Mr. NELSON], and the Senator from Connecticut [Mr. RIBICOFF], be added as cosponsors of the bill (S. 2871) to amend the National School Lunch Act to provide for a 3-year pilot special food service program for children, and to continue the authority for the school breakfast program.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. MONTROYA. Mr. President, because of the widespread support which this measure has generated, I ask unanimous consent that the following explanation of the bill be printed at this point in the RECORD for the information of other Senators who may wish to join in this effort.

The VICE PRESIDENT. Without objection, it is so ordered.

The explanation referred to follows:

S. 2871: SPECIAL FOOD SERVICE PROGRAM FOR CHILDREN

The proposed amendment to the National School Lunch Act has two major features:

1. Using the approaches and experience developed in twenty-one years of the National School Lunch Program and three years with the School Breakfast Program, S. 2871 would broaden the base of efforts to improve child nutrition by authorizing a three-year pilot program to reach children with a food service in a wide variety of non-school situations—

a. In public or private non-profit day-care centers, settlement and neighborhood houses and private non-profit pre-school activities on a year-round basis with a full range of Federal food assistance.

b. During the summer months in recreational programs such as day camps and youth centers—a very important step forward, particularly for children of low-income families who face the summer nutrition gap when the school lunch program is not available.

At the present time, assistance under the National School Lunch and Child Nutrition Act programs is limited to children enrolled in school activities—with the exception of the special milk program.

Great concern has been expressed about the effects of poor nutrition in very young children. Similar concern has been expressed that children who have a lunch program available throughout the school year have no access to such a program during the summer months—except in those rare instances where they are enrolled in summer school and the cafeteria remains open.

This amendment is designed to close the one final gap in the legislative framework we have developed over the years to improve child nutrition.

The program will be administered by the U.S. Department of Agriculture working through the State educational agencies—just as in the National School Lunch and Child Nutrition Acts.

Meal-type standards that make a positive contribution to good nutrition will be met as a condition for receiving assistance—just as in the school lunch and breakfast programs.

In circumstances of severe need, up to 80 percent of the operating cost of the food service may be covered—just as in the breakfast program.

Authority for the conduct and supervision of Federal Programs to assist eligible institutions in providing food service for children is assigned to the Secretary of Agriculture—as in now the case in school food service programs.

State educational agencies may receive limited financial assistance for program administration—as in the case of the breakfast program and the special assistance phase of the National School Lunch Program.

2. The second major feature of the proposed amendment would provide continuing authority for the School Breakfast Program. This has been a highly successful pilot operation for three years. Some 100,000 children are now participating nation-wide and it is expected that there will be 160,000 participating by the end of this fiscal year when authority for the pilot program expires. Teachers and principals and children want and need this program on a continuing basis. It has made a remarkable difference in the attitude and capacity of thousands of children who weren't dull or troublemakers—just hungry.

Mr. BYRD of West Virginia. Mr. President, on behalf of the senior Senator from Ohio [Mr. LAUSCHE] I ask unanimous consent that, at its next printing the name of the junior Senator from Iowa [Mr. MILLER] be added as a cosponsor of the bill (S. 2916) to amend the Federal Food, Drug, and Cosmetic Act to prescribe penalties for possession of LSD and other hallucinogenic drugs by unauthorized persons.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Wisconsin [Mr. NELSON], I ask unanimous consent that, at its next printing the name of the Senator from Missouri [Mr. LONG] be added as a cosponsor of S. 2040, a bill to provide for Federal assistance in the planning and installation of works and measures for the control and prevention of damages resulting from erosion of the roadbeds and rights-of-way of existing State, county, and other rural roads and highways, from erosion of the banks of rivers and streams, and from erosion of unrestored or unrehabilitated surface or strip mined non-Federal lands, and for other purposes.

The VICE PRESIDENT. Without objection, it is so ordered.

SENATE CONCURRENT RESOLUTION 59—SUBMISSION OF CONCURRENT RESOLUTION RECOGNIZING THE 25TH ANNIVERSARY OF THE WARSAW GHETTO UPRISING

Mr. JAVITS. Mr. President, I submit, for appropriate reference, for myself and Senator KENNEDY of New York, a concurrent resolution expressing the sense of the Senate in recognizing the sig-

nificance to the world of the uprising in the Warsaw ghetto 25 years ago. At the same time that we are submitting this concurrent resolution in the Senate, Representative EMANUEL CELLER, of New York, dean of the New York delegation and chairman of the House Judiciary Committee, is submitting it in the House of Representatives.

It was 25 years ago in April that the world was electrified by the news of the heroic resistance against the mighty Nazi war machine by the outnumbered and beleaguered Jews of the Warsaw ghetto.

We who live in security and freedom must long remember and be inspired by those who, under such hopeless circumstances, died for freedom and dignity. Their resistance will remain forever a monument of light in a dark era of man's history.

Mr. President, I ask unanimous consent that the concurrent resolution be printed at this point in the RECORD.

The VICE PRESIDENT. The concurrent resolution will be received and appropriately referred; and, without objection, the concurrent resolution will be printed in the RECORD.

The concurrent resolution (S. Con. Res. 59) was referred to the Committee on the Judiciary, as follows:

S. CON. RES. 59

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress to recognize and acknowledge the world significance of the Warsaw Ghetto uprising as a reaffirmation of the ineradicable determination to fight for freedom from oppression and that Congress joins in commemorating on April 25th the 25th anniversary of the Warsaw Ghetto Uprising against the Nazi occupation forces by the beleaguered and outnumbered Jews of the Warsaw Ghetto.

PRINTING OF CORRECTED COPY OF SENATE CONCURRENT RESOLUTION 47—ADDITIONAL COSPONSORS

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Pennsylvania [Mr. CLARK] I ask unanimous consent that a corrected version of the concurrent resolution (S. Con. Res. 47) relative to the establishment of a United Nations peacekeeping force be printed.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Pennsylvania [Mr. CLARK] I also ask that the names of the following Senators be added as cosponsors of the concurrent resolution, at its next printing:

Senators PELL, HARRIS, MANSFIELD, PROXMIRE, WILLIAMS of New Jersey, CHURCH, INOUE, LONG of Missouri, NELSON, and TYDINGS.

The VICE PRESIDENT. Without objection, it is so ordered.

RESOLUTION TO PRINT AS A SENATE DOCUMENT "AIR POLLUTION BY FEDERAL FACILITIES"

Mr. RANDOLPH submitted the following resolution (S. Res. 261); which was

referred to the Committee on Rules and Administration:

S. RES. 261

Resolved, That there be printed as a Senate document the report of the Secretary of Health, Education, and Welfare, entitled "Air Pollution by Federal Facilities", in compliance with the provisions of title I, section 111(b) of the Clean Air Act, Public Law 90-148, as amended; and that there be printed two thousand five hundred additional copies of such document for the use of the Committee on Public Works.

PENALTIES FOR CERTAIN ACTS OF VIOLENCE OR INTIMIDATION—AMENDMENTS

AMENDMENTS NOS. 532 THROUGH 534

Mr. MILLER submitted three amendments, intended to be proposed by him, to the bill (H.R. 2516) to prescribe penalties for certain acts of violence or intimidation, and for other purposes, which were ordered to lie on the table and to be printed.

AMENDMENTS NOS. 535 AND 536

Mr. MILLER submitted two amendments, intended to be proposed by him, to amendment No. 524, proposed by Mr. MONDALE (for himself and other Senators) to House bill 2516, supra, which were ordered to lie on the table and to be printed.

(See reference to the above amendments when submitted by Mr. MILLER, which appears under a separate heading.)

AMENDMENTS NOS. 539 THROUGH 544

Mr. ALLOTT submitted six amendments, intended to be proposed by him, to House bill 2516, supra, which were ordered to lie on the table and to be printed.

(See reference to the above amendments, when submitted by Mr. ALLOTT, which appears under a separate heading.)

AMENDMENTS NOS. 545 THROUGH 548

Mr. COOPER submitted four amendments, intended to be proposed by him, to House bill 2516, supra, which were ordered to lie on the table and to be printed.

AMENDMENTS TO WHOLESOME POULTRY PRODUCTS ACT

AMENDMENTS NOS. 537 AND 538

Mr. MONTROYA. Mr. President, last year I proposed in the Senate, and the Congress enacted into law, the Wholesome Meat Act. The Congress thus took a giant stride in protecting the Nation's consumers by assuring them that the meat they eat has been processed under conditions which meet minimum standards for wholesomeness whether inspected under a Federal or State system.

American consumers deserve this same assurance in the area of poultry inspection. With this objective in mind, Senator ELLENDER, Chairman of the Senate Committee on Agriculture and Forestry, and I introduced S. 2932, the proposed Wholesome Poultry Products Act. This bill is patterned after—and is almost identical in every respect—with the Wholesome Meat Act signed into law last year.

In reviewing S. 2932, I have endeavored to pinpoint possible shortcomings or omissions in the legislation with a view toward proposing remedial amendments if found necessary. I am convinced that S. 2932 represents the right approach in providing for Federal-State cooperation while at the same time not compromising the interests of the consumer.

I submit today for proper reference and printing two amendments which will further insure the American consumer that the poultry products he or she eats is wholesome. These amendments are in keeping with the approach taken in the Wholesome Meat Act. I believe that the need for these amendments should be obvious and their merits unquestioned.

Amendment No. 537 insures that the Secretary of Agriculture shall report at least annually to the appropriate committees of Congress with respect to the effectiveness of the poultry inspection and enforcement programs within all the States whether such programs are Federal and/or State programs. The Congress shall thus be apprised at all times on any failings in the protection which is or should be provided to the consumer.

Amendment No. 538 merely insures that the "ante-" and "post-mortem" inspection laws which a State must provide to be eligible for Federal financial and technical assistance must call for "mandatory" "ante-" and "post-mortem" inspection. The purpose of a lot-by-lot mandatory ante-mortem inspection is to alert inspection personnel and plant management to the general health condition of a given lot of poultry to be processed. Also, in the event of certain infectious diseases such as "Ornithosis" being detected, plant employees as well as inspectors would be protected because the flock would be quarantined. A bird-by-bird mandatory post-mortem examination must be required since this is the only positive means of assuring that each and every carcass and its parts are wholesome and not adulterated.

Mr. President, I shall continue to review this proposed legislation as well as make every attempt to discuss it with interested and affected individuals and organizations in an effort to provide for the best possible protection for our consumers in the shortest possible time.

I ask unanimous consent that the text of these amendments be printed at this point in the RECORD.

The VICE PRESIDENT. The amendments will be received, printed, and appropriately referred; and, without objection, the amendments will be printed in the RECORD.

The amendments (Nos. 537 and 538) were referred to the Committee on Agriculture and Forestry, as follows:

AMENDMENT 537

On page 19, beginning with line 16, strike out all down through line 22, and insert in lieu thereof the following:

"(4) The Secretary shall promptly upon enactment of the Wholesome Poultry Products Act, and periodically thereafter, but at least annually, review the requirements, including the enforcement thereof, of the several States not designated under this paragraph (c), with respect to the slaughter of poultry, and the processing, storage, handling, and distribution of poultry prod-

ucts, and inspection of such operations, and annually report thereon to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture and Forestry of the Senate."

AMENDMENT 538

On page 14, line 8, insert "mandatory" immediately before "ante-".

NOTICE OF HEARINGS ON HOUSING AND URBAN DEVELOPMENT LEGISLATION

Mr. SPARKMAN. Mr. President, I should like to announce that the Subcommittee on Housing and Urban Affairs of the Banking and Currency Committee will begin hearings on March 5, 1968, on the President's 1968 housing proposals and other bills pending before the subcommittee. The hearings, expected to last 2 weeks, from March 5 through March 15, will be held in room 5302, New Senate Office Building and will commence at 10 a.m. each day.

Persons wishing to testify on pending bills should contact Miss Doris I. Thomas, Housing and Urban Affairs Subcommittee, room 5226, New Senate Office Building, telephone 225-6348.

A list of the bills presently pending is as follows: S. 2228, S. 2229, S. 2343, S. 2376, S. 2466, S. 2498, S. 2508, S. 2625, S. 2631, S. 2680, S. 2681, S. 2800, S. 2801, and S. 2802.

NOTICE OF HEARINGS BY SUBCOMMITTEE ON SEPARATION OF POWERS ON ADMINISTRATIVE AGENCIES

Mr. ERVIN. Mr. President, the Subcommittee on Separation of Powers of the Committee on the Judiciary will conduct hearings on March 26, 27, and 28, and April 1, 2, 8, and 9, on the relationship of the administrative agencies to Congress. Additional days may be scheduled later in the session. Hearings will be in room 2228, New Senate Office Building, and will begin at 10 a.m. unless otherwise announced.

These hearings begin the second stage of the subcommittee's inquiry into the division of powers between the legislative, judicial, and executive branches of government. We shall focus on the administrative agency's role in the governmental structure because, whether we like it or not, the administrative agency has come to be a primary instrument of government in our country. The most dramatic periods of growth of this institution occurred during the second and fourth decades of the 20th century, when most of the seven major independent administrative agencies were created. But the creation of new, if less celebrated, administrative agencies has continued undiminished since that period, and there are now perhaps hundreds of administrative boards of every type and description within the executive branch. The exercise of their power directly or indirectly affects every citizen, and the work product of these administrative agencies constitutes the largest source of "law" in our country, far exceeding the decisions of the courts and the legislation of the Congress. The Founding

Fathers did not anticipate the creation of an institution such as the administrative agency—an institution different from each of the traditional branches of government and one exercising a combination of legislative, executive, and judicial powers. For a time, this new institution had difficulty in gaining acceptance, but we have now grown accustomed to the fact that executive, legislative, and judicial powers are exercised by a body which is neither a legislature nor a court, and yet still independent of the executive branch.

Although the Nation now accepts the administrative agency as a normal and constitutional part of government, there still remains the problem of assuring that the independent administrative agencies faithfully execute the laws entrusted to them by Congress.

This is more than a theoretical question of concern only to lawyers. It is important to every citizen, and especially to those whose lives and livelihood are subject to the jurisdiction of an administrative agency. The will of the people operates through the policy decisions of Congress. If our representational form of government is to have any meaning, then we must insure that the laws which are executed by these agencies are the laws which Congress enacted. Constitutional law and representative government cannot exist if officials of the executive branch, commissioners and board members of the agencies, or the judges on the courts, have the power to modify, repeal, or ignore the will of Congress as expressed in statutes.

The hearings will be devoted to analyzing the performance of the agencies against this constitutional standard. We will seek also to devise the means by which Congress can insure more faithful administration of the laws in the future.

The National Labor Relations Board has been selected as the agency the subcommittee will first examine. The Board has been chosen for two reasons. First and perhaps most important, the NLRB is primarily responsible for a segment of public affairs which affects every employer and every workingman. How well the Board administers the Nation's labor policy as expressed in the Taft-Hartley Act and other labor laws is the concern of every citizen.

Second, of all the major administrative agencies, the Board has been the subject of the most persistent criticism. Some of this is inevitable—the Board deals in an area of controversial and complex problems, and it can be expected that those who are disappointed with its decisions will object. But this explanation does not account for all the criticism leveled at the Board. Ever since its creation, the Board has been taken to task by friends as well as foes—by the courts, the Congress, by labor and management, and by its own members. The accusation that the Board has usurped congressional functions, that it applies its own view of what is desirable labor policy instead of Congress, comes so often, from so many directions, and in so many contexts, that it is the subcommittee's responsibility to determine the validity of these charges and to discover,

if we can, how Congress and the courts, and the Board itself, can better review and control its operations.

In the area of labor law, and as respects the Board's role in it, every man may be a partisan. But I hope that these hearings will be received in the same impartial spirit in which they will be conducted. This is an opportunity to criticize honestly where criticism is warranted, and to praise where praise is deserved. Our objective is to do what we can to improve the operations of the NLRB, administrative agencies in general, and the Government as a whole. We shall rely upon witnesses not only to analyze the role of the Board in terms of the policies established by Congress, but also to suggest practical methods by which congressional and judicial oversight of this administrative agency and the others can be improved.

The subcommittee has invited a number of scholars and other experts in administrative law and labor relations to testify at the hearings. In addition, we shall hear from representatives of management, labor, and the Board itself. Among those who are presently scheduled to testify or present statements are Profs. Derek Bok and Louis Jaffe of the Harvard Law School, Prof. Archibald Cox of the Harvard Law School and formerly Solicitor General of the United States, Prof. Howard Lesnick of the University of Pennsylvania, Prof. Harry H. Wellington of Yale Law School, and Prof. Cornelius J. Peck of the University of Washington, Seattle.

Because of the widespread interest in these hearings it may not be possible to hear every person who wishes to testify. However, the subcommittee will make every effort to accommodate those who wish to submit statements for the record. All persons desiring to present testimony or submit written statements should contact the subcommittee office, room 1403, New Senate Office Building.

NOTICE OF HEARING ON PROPOSED INTERNAL SECURITY ACT OF 1968

Mr. EASTLAND. Mr. President, I want to give notice that open public hearings on the proposed new Internal Security Act of 1968—S. 2988—will begin at 10:30 a.m. on February 27, and will continue through a period of several weeks thereafter. Any person wishing to testify on this bill should communicate with the clerk on the Committee on the Judiciary, Mr. John Holloman, or the chief counsel of the Internal Security Subcommittee, Mr. Jay Sourwine. Anyone wishing to present a prepared statement should submit a copy of the statement to the subcommittee at least 24 hours before the date scheduled for his appearance. Written statements for inclusion in the record, but not intended to be presented orally, may be submitted at any time during the course of the hearings, and will be admitted to the hearing record if found pertinent and not excessive in length.

The hearing on Tuesday, February 27, will be held in room 3304 in the New Senate Office Building.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, February 26, 1968, he presented to the President of the United States the enrolled bill (S. 269) to authorize an exchange of lands at Acadia National Park, Maine.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, if no one wishes to speak at this moment, I should like to speak for about 5 minutes if I may.

The VICE PRESIDENT. The Senator from Montana is recognized, although the Chair has a request from the Senator from Alaska.

Mr. LONG of Louisiana. Mr. President, may we have order in the Chamber?

The VICE PRESIDENT. Will the Senator from Montana withhold for just one moment. The Chair must insist that the Chamber be in order and that the galleries be quiet. The Senator from Montana seeks recognition.

The Senator from Montana.

Mr. MANSFIELD. Mr. President, I ask for several additional minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

VIETNAM

Mr. MANSFIELD. Mr. President, last week, U Thant, the Secretary General of the United Nations, met for an hour with President Johnson at the White House. It is safe to assume that the subject matter discussed was the possibility of negotiations covering a cessation of hostilities or an ending of the war in Vietnam. What came out of that meeting in the way of consensus or agreement, I do not know but, again, I think it is safe to assume that both men expressed a desire for peace and covered, in their discussion, various ways, means, and possibilities for achieving it.

Mr. BYRD of West Virginia. Mr. President, the Senate still is not in order.

The VICE PRESIDENT. The Senator's position is well taken. The Senator from Montana will suspend. The Chair must ask the doorkeepers to see that order is maintained in the galleries when the Senate is in session.

The Senate will please be in order.

The Senator from Montana may proceed.

Mr. MANSFIELD. Mr. President, over the weekend, U Thant held a press conference in which he stated what seems to me to be the reasonable belief that talks could begin shortly after the United States calls off the bombing of North Vietnam.

Over the weekend also, there have been, more and more, speculative stories coming out of Saigon, Bangkok, and Washington to the effect that the President would soon ask for an increase of anywhere up to 100,000 men in Vietnam. It is anticipated—again, according to speculation—that when Gen. Earl Wheeler, Chairman of the Joint Chiefs of Staff, returns to Washington this week, he will make a recommendation

that our forces be increased in Vietnam beyond the present ceiling of 525,000 men by July 1.

Therefore, it appears to me that this country may be facing, on the one hand, a pressure to increase its commitment of military personnel in Vietnam again and perhaps again, and again; and, on the other, the need to make further and more intensive efforts to reach the negotiating table on the basis of views such as those advanced by U Thant. It is my hope that more attention would be given to what U Thant has proposed than seems to have been the case up to this time. His views are entitled to the most deliberate consideration not so much because of the immediate situation in Vietnam, but because of the difficulties and dilemmas which have been present since the very beginning of the conflict.

Even though it appears to present military questions, I believe that U Thant's proposal to halt the bombing of North Vietnam can be given consideration for a number of reasons: First, there are very few significant targets left in North Vietnam; second, the bombing has not halted the infiltration of men and supplies in South Vietnam; and third, the bombing has failed to bring Hanoi to the conference table.

A halt to the bombing of the North would not, and should not weaken the air support of the U.S. forces along the 17th parallel and most particularly at Khe Sanh. These ground forces, without question, must continue to have all possible air support not only along the 17th parallel in Vietnam itself but across the infiltration routes which extend through Laos. Wherever else in is needed in conjunction with ground-force operations, air support must be forthcoming.

It is my belief, however, that U Thant's suggestion makes sense because a way around the impasse which confronts us in Vietnam will not be found by military means but will have to be brought about through negotiations. If on the one hand the Soviet Union and China are to continue ad infinitum to supply North Vietnam with the most sophisticated weapons and other forms of assistance, and if we are to continue the same policy in relation to South Vietnam, then I think there lies ahead, not only for this country but also for the rest of the world, far more troublous days than has been the case to date.

Therefore, I would hope, Mr. President, that, instead of an obsessive pursuit of a solution by a continual escalation of manpower commitments, we would think about escalating our peace efforts in an effort to find an honorable settlement—irrespective of considerations of face.

No one can say that to halt the bombing of the north, as U Thant has proposed, will bring about fruitful negotiations, but it is a proposal worth trying as a step toward peace. Indeed, it may well have more merit than going another rung of military escalation in the hope that it will end the bloodshed, especially since every previous step-up has produced, not peace, but simply a more open ended, more destructive, and more devastating war.

March 13, 1968

To amend the Federal Water Pollution Control Act, as amended, relating to the construction of waste treatment works, and to the conduct of water pollution control research; to Public Works Committee. To amend Sec. 2 of the act of Aug. 1, 1958, as amended, in order to prevent or minimize injury to fish and wildlife from the use of insecticides, herbicides, fungicides, and other pesticides; to Commerce Committee. pp. S2711-2

13. COSPONSORS. Sens. Fong, Hart, Inouye, Long, Monroney, Young, Clark, Randolph, and Hartke were added as cosponsors of S. 2932, proposed "Poultry Products Inspection Act." Sen. Cooper was added as a cosponsor of S. 2871, to amend the National School Lunch Act. Sen. Tower was added as a cosponsor of S. 2970, to establish an Independent Office of Government Procedure. Sen. Burdick was added as a cosponsor of S. 2527, to encourage the movement of butter into domestic commercial markets. pp. S2714-5
14. CROP INSURANCE. Sen. Hayden noted the 30th anniversary of the FCIC and discussed the value of Federal crop insurance. p. S2717
15. FARM RESERVES. Sen. Proxmire urged consideration of an emergency farm commodity reserve program this year and inserted an editorial supporting this proposal. p. S2722
16. EDUCATION. Sen. Symington urged support of the recommendation of the Appropriations Committee that \$91 million be included to provide operation and maintenance funds for federally affected school districts. p. S2722
17. WATER POLLUTION. Sen. Clark commended to the attention of Congress two new programs to speed the cleanup of our water environment. p. S2742
18. ELECTRIFICATION. Sens. Holland and Metcalf discussed, and inserted articles and tables pro and con, proposed legislation to exempt investor-owned utilities which are intra-state in character and REA associations from the jurisdiction of FPC. pp. S2750-59
19. RESEARCH. Sen. Nelson mentioned a few highlights in Commerce's report to the Congress of "the effects of Government, scientific, technical, and other related policies upon regional economic development," and inserted an article "Rich Get Richer in R. & D." pp. S2737-8
Sen. Nelson inserted an article "National Social Science Foundation: Proposed Congressional Mandate for the Social Sciences", by Sen. Harris, favoring establishment of a National Social Science Foundation. pp. S2739-42

EXTENSION OF REMARKS

20. FOREIGN TRADE. Rep. Curtis, Mo., inserted his testimony before the Subcommittee on Europe, H. Foreign Affairs Committee, on the economic aspect of trade with Communist countries (pp. E1794-8), and a speech by a St. Louis business man which he said points up the need for international governmental agreement on fair trading practices (pp. E1806-9).
21. APPALACHIA. Rep. Snyder inserted an article which describes the programs to aid Appalachia's rural poor as inadequate and calls for tax reforms, land

redistribution, formation of poor people's cooperatives for buying and selling, and other programs to aid the area. pp. E1800-2

22. HOLIDAY. Rep. McClory inserted an editorial by the director of a Chicago radio station urging national uniformity in the celebration of certain holidays on Monday. pp. E1812-3
23. FARM PRICES. Rep. Chamberlain commended and inserted an editorial "The Big Get Fatter," critical of farm subsidy programs. p. E1813
24. FOOD SERVICES. Rep. Snyder inserted a Ky. newspaper article on the response to a breakfast program at a high school in an area which he said was not a poverty area. p. E1814
25. HEALTH. Rep. Friedel spoke in support of the President's message on environmental health. p. E1814
26. ECONOMICS. Rep. Ryan inserted an interview with former Federal Reserve Chairman Eccles on the relationship of the Vietnam war on the economy. pp. E1821-3
27. OPINION POLL. Rep. Corbett inserted results of an opinion poll, including items of interest to this Department. pp. E1823-4
28. RETIREMENT. Rep. Evins, Tenn., urged that appropriate action be taken by the Congress to strengthen the civil service retirement and disability fund. p. E1831
29. ACCOUNTING; GAO. Rep. Mathias, Md., commended and inserted an article on the efforts of GAO to improve operations of Government. pp. E1835-6
30. POVERTY. Rep. Nichols inserted an article, "Time for an OEO Look", which states that a former regional director of OEO resigned with a "harsh indictment of OEO as an 'administrative monstrosity'". p. E1839
31. ETHICS; REORGANIZATION. Rep. Mathia, Md., expressed regret that no final action has been taken on legislative reorganization proposals and inserted a comparison of various bills. pp. E1847-9

BILLS INTRODUCED

32. MINING. H. R. 15923 by Rep. Aspinall, to provide for the cooperation between the Secretary of the Interior and the States with respect to the future regulation of surface mining operations; to Interior and Insular Affairs Committee.
H. R. 15927 by Rep. Harrison, to amend section 35 of the Mineral Leasing Act of 1920 with respect to the disposition of the proceeds of sales, bonuses, royalties, and rentals under such act; to Interior and Insular Affairs Committee.
33. POVERTY. H. R. 15944 by Rep. Halpern and H. R. 15946 by Rep. Ottinger, making a supplemental appropriation to carry out the Economic Opportunity Act of 1964 during the fiscal year ending June 30, 1968; to Appropriations Committee. Remarks of Rep. Halpern, p. H1933 and Rep. Ottinger, p. E1830.

quirements of clause (B) of the proviso to clause (5) of this subsection shall apply to such trust fund as well as the requirements of the Welfare and Pension Plans Disclosure Act (except any which the Secretary determines are not applicable to trust funds of the type to which this clause applies)."

Mr. YARBOROUGH. Mr. President, section 302 of the Labor-Management Relations Act—restrictions on payments to employee representatives—prohibits all payments by employers to employee representatives for purposes of this section are specifically excepted in this section. The purposes of this section are to eliminate bribery, extortion, shake-downs, "sweetheart contracts," and other corrupt practices and to protect the interests of beneficiaries of lawful employer-supported funds.

Among the lawful funds are those established for medical or hospital care, pensions on retirement or death of employees, compensation for injuries or illness resulting from occupational activity or insurance to provide any of the foregoing, or unemployment benefits or life insurance, disability and sickness insurance, or accident insurance, pooled vacations, holiday, severance or similar benefits, or apprenticeship or other training programs. I recently introduced a bill to allow funds for scholarships and child care centers, S. 2704, on which we have completed our public hearings.

Recent judicial decisions have declared that employer contributions to product promotion programs administered jointly by trustees representing labor and management are outside of the scope of exceptions to section 302. Product promotion programs are not unlawful. Collective bargaining on the subject of product promotion programs is not unlawful. But joint labor-management administration of such programs is unlawful because the courts have ruled that this is a restricted payment to employee representatives prohibited by section 302.

This bill would add two more specific exceptions to section 302—jointly administered product promotion programs and jointly administered committees for the interpretation of collective bargaining agreements—thereby legalizing such jointly administered programs.

It must be emphasized that the programs encompassed in this bill were not, as I understand it, prescribed as a matter of public policy, but rather by the nature of the drafting of section 302. The Ninth Circuit Court of Appeals stated in *Cement Masons v. Paramount Plastering* (310 F. 2d 179):

We do not quarrel in the slightest with the laudable objectives of the trust amicably created by labor and management in this case. We sympathize with the efforts of both labor and management to solve a vexing industry problem.

But like so many of such present-day problems, our duty is to rule in accordance with that which the Congress in its wisdom has seen fit to enact. We cannot widen the door when the door sill has been carefully tailored by the representatives in Congress. The relief sought by the appellants herein must be found in congressional and not judicial action.

By enacting a general prohibition and then setting forth certain specific exceptions, the Congress impliedly prohibited everything not excepted. In 1959 section 302 was amended to except pooled vacations, holiday, severance or similar benefits, or apprenticeship or other training programs. The present amendment is made necessary by this drafting technique.

Industry advancement funds are not made illegal by section 302. Nor does section 302 prescribe collective bargaining regarding such industry funds. In fact, there are thousands of such funds in existence today. Many of these are incorporated into collective bargaining agreements. Many are financed through the collective bargaining mechanism. Contributions are frequently based on the number of, and hours worked by, craft employees of each employer. It is presently unlawful, however, to jointly administer such programs.

There is no objection to unilaterally administered advancement programs. I do not know of any public policy which favors Government intervention in the collective bargaining process so as to prevent the establishment of jointly administered funds for programs of product promotion. The issue is, simply, should the Congress interfere with free, private negotiations between labor and management to develop mutually beneficial joint programs. With the abundance of safeguards provided for the protection of such funds, the answer is clearly that the Federal Government should not say to labor and management that, in their wisdom, they cannot establish programs which they deem to be to their mutual advantage.

It is no more than a shibboleth to cry "management prerogative." The ability of an industry to meet changing conditions affects the employees' opportunities in the long run. The settlement of disputes affects the employees' interest immediately. Opponents cannot claim that this is a management function solely and then utilize the collective bargaining to carry out their program. When a certain number of cents per hour are paid by management into an advancement fund by virtue of a collective bargaining agreement it is of interest to labor organizations.

The bill reaffirms the position of the National Labor Relations Board by declaring that these joint programs will be permissive, not mandatory, subjects of collective bargaining. It will not be an unfair labor practice to refuse to bargain over such matters. The promotion programs that this bill refers to are product promotion programs. For example, the Operative Plasterers and Cement Masons might choose to promote plaster through a jointly administered program. Other contractors and craft unions might choose to promote the use of other materials. It is the purpose of the bill to permit this. However, if a particular employer did not wish to bargain about this matter, no one could force him to and if a union tried, it would be the union which would be committing an unfair labor practice.

The bill also permits employer contri-

butions to joint-labor-management programs for the establishment of joint labor-management committees to resolve issues arising from disputes regarding the interpretation of collective bargaining agreements where such determinations are binding upon all parties concerned.

It is my hope that the subcommittee will find the time in the near future to hold hearings on this matter, so that everyone interested in this legislation will be given an opportunity to present their views on this matter.

S. 3150—INTRODUCTION OF LEGISLATION FOR DEEVER IRRIGATION DISTRICT

Mr. HANSEN. Mr. President, I introduce, for appropriate reference, a bill to provide for the application of certain credits toward annual installments due under the repayment contract between the United States and the Deaver Irrigation District, Frannie division, Shoshone project, Wyoming.

This legislation was drafted at my request by the Department of the Interior. I have received correspondence from the Bureau of Reclamation and from the Deaver Irrigation District which sets out in detail the need for this legislation. I urge its speedy enactment.

I ask unanimous consent that the correspondence which I have mentioned be included in the RECORD following my remarks.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the letters will be printed in the RECORD.

The bill (S. 3150) to provide for the application of certain credits toward annual installments due under the repayment contract between the United States and the Deaver Irrigation District, Frannie division, Shoshone project, Wyoming, and for other purposes introduced by Mr. HANSEN (for himself and Mr. McGEE), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

The letters, presented by Mr. HANSEN, are as follows:

U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF RECLAMATION,
Washington, D.C., January 17, 1968.

Hon. CLIFFORD P. HANSEN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HANSEN: This is to supplement our December 14, 1967, acknowledgment of your letter of December 8, 1967, concerning a letter you received from the Deaver Irrigation District of the Frannie Division, Shoshone Project, Wyoming. The District is requesting special legislation to permit the application of certain credits toward its current repaying installments so that it may finance its share of the rehabilitation of Corbett Tunnel.

The District's request concerns the crediting of revenues accumulated from the sale of townsites and the leasing and sale of project land accumulated prior to December 31, 1929. These funds total \$51,829.11 and have been credited to the District's construction cost obligation to the United States under terms of the District's repayment contract, dated November 14, 1959, approved by the Act of October 27, 1949 (63 Stat. 941). As these revenues were earned prior to the assumption of the operation

and maintenance responsibility for the Frannie Division by the District, Subsection I of the Act of December 5, 1924 (43 Stat. 703), provides the revenues are to be applied to reduce the total contractual obligation. Had these revenues been earned subsequent to December 31, 1929, when the District took over the operating responsibility, they would be applied annually to the current construction charge installment.

The rehabilitation of the Corbett Tunnel is a necessary program. It is planned for accomplishment using regular operation and maintenance forces with costs shared between the Shoshone Irrigation District and the Deaver Irrigation District. Preliminary cost studies indicate that the resurfacing of the tunnel floor will cost \$164,285 of which \$115,000 would be borne by the Shoshone Irrigation District, and \$49,285 by the Deaver Irrigation District. Officials of both districts have indicated that the work can most efficiently and economically be performed over a period of about 7 years with their labor and equipment during off-season periods. We concur that this proposal would offer substantial savings and result in satisfactory rehabilitation of this feature.

Corbett Tunnel consists of a horseshoe section 10.75 feet high, 11.5 feet wide, and 17,357 feet long. It is the first link in the Garland Division distribution system and heads at the left abutment of Corbett Diversion Dam. The tunnel is built through reaches of a conglomerate of gravels and clays, shales and sandstones, and was lined with concrete 9 inches thick when built between 1906-1908. First water was diverted through it in April 1908.

By 1917 river gravels had eroded the invert and reduced the capacity of the tunnel from 1,000 cfs to about 900 cfs. During the winter of 1917-1918, the invert was paved with a mortar of sand and portland cement. This mortar overlay has gradually eroded and the rough floor has been reexposed. In February 1963, commissioners from both the Deaver and Shoshone Irrigation Districts and engineers from the Bureau thoroughly examined the tunnel. It was agreed that the condition of the tunnel was not critical or hazardous, but that the invert would require resurfacing to restore capacity flows. Some seepage into the tunnel is occurring and has increased since 1948 when application of water to lands uphill from the tunnel increased the accumulation of ground water.

The Bureau's Chief Engineer has recommended covering the invert with new concrete to a minimum thickness of 1 inch. This new floor will be placed to the contour of the original invert on a properly cleaned surface. This type of program can be accomplished by the districts in conjunction with their normal maintenance program.

The Shoshone Irrigation District can handle the repayment of costs through normal assessment procedures. However, the Frannie Division is a small project, and productivity of the agricultural lands is relatively low. Gross crop value per irrigated acre ranged from \$36 to about \$46 over the past 5 years with an average value of \$41 as compared to \$85 for the Shoshone District. Despite this marginality in gross crop income, the Deaver Irrigation District has maintained repayment contract obligations. The District has been highly cooperative in all matters in operation and maintenance. The District's assumption of the \$49,285 rehabilitation work would result in an increase in its construction assessments and according to the District officials would create financial distress among the water users.

A rehabilitation and betterment loan under the Act of October 7, 1949 (63 Stat. 724), has been discussed with the Deaver Irrigation District officials as a means of financing the repairs to the tunnel. Details of the financing arrangements had not been worked out when the District received notice of the crediting of its obligation in an amount al-

most equal to estimates of its share of repair costs. The District proposed using the credit for the repairs, and when told present law did not permit this, chose to request legislative aid. The use of the credits in this manner could prove to be a practical solution to a difficult financial situation.

We hope this information has been helpful to you. If we can be of further assistance, please let us know.

Sincerely yours,

N. B. BENNETT, Jr.,
Acting Commissioner.

DEAVER IRRIGATION DISTRICT,
Deaver, Wyo., November 27, 1967.

Hon. Senator CLIFFORD HANSEN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HANSEN: The Bureau of Reclamation advised this District on August 20, 1967 that \$51,829.11 had been accumulated in revenues from the sale of townsites and the leasing and sale of project lands on the Frannie Division of the Shoshone Project prior to this District's taking over the operation and maintenance of the Frannie Division on December 31, 1929. Under Subsection I of the Act of December 5, 1924 (43 U.S.C. 501) this District is entitled to have these revenues applied on its project construction cost obligation to the United States under its repayment contract with the United States dated November 14, 1949 and approved by the Act of Congress of October 27, 1949 (P.L. 419, 81st Congress, First Session).

Since these revenues were earned before our District took over the operation and maintenance of the Frannie Division, Subsection I of the Act of December 5, 1924 requires that they be applied to the District's total construction cost obligation. Had the revenues been earned after our District took over such operation and maintenance, the revenues could be applied on the current construction charge installments which the District makes to the United States under its contract of November 14, 1949. In other words, revenues earned before our District took over operation and maintenance of the Frannie Division must be applied on the tail-end of the construction charge obligation, whereas revenues earned after our District took over such operation and maintenance may be applied on the construction charge obligations now falling due.

During this same year, our Irrigation District has been advised that its estimated share of the cost of urgently needed rehabilitation of the Corbett Tunnel, which serves the Shoshone Project, including lands of our District, will be at least \$50,000 and that this estimate must be paid in installments over the next seven years. Such new payments will be a real hardship to the farmers of our District since they are experiencing the same economic difficulties as those being experienced by other farmers in the West.

It would be greatly helpful to the farmers of our District if the \$51,829.11 credit could be applied to our construction cost installments payable to the United States over the next seven years. Our District could then pay its share of the urgent rehabilitation costs of the Corbett Tunnel without a substantial increase in its water charges.

Everyone should benefit from this arrangement. The Government, which owns the Corbett Tunnel, would get a reconstructed and completely safe water facility as security for its reclamation construction cost investment. The farmers would get the benefit from such facility without the burden of new and additional water charges which would prove critical to staying in business. And the Congress would not have to advance the Irrigation District additional moneys for rehabilitating the Corbett Tunnel.

This arrangement, however, will need to be approved by Congress. To get this approval

we need legislation which would provide something along the following lines:

"Appropriate portions of revenues of \$51,829.11 from the sale of townsites and the leasing and sale of project land accumulated prior to December 31, 1929 on the Frannie Division of the Shoshone Project, may be applied by the Secretary of the Interior as a credit on the current and six next succeeding construction charge installments of the Deaver Irrigation District under its repayment contract approved by the Act of October 27, 1949 (62 Stat. 941)."

We would appreciate it very much if we could get your help in securing the needed Congressional approval for applying the revenues as above suggested.

Sincerely yours,

VIRGEL C. ZWEMER,
Chairman, Board of Commissioners.

ADDITIONAL COSPONSORS OF BILLS

Mr. MONTROYA. Mr. President, I ask unanimous consent that, at its next printing, the names of the Senator from Hawaii [Mr. FONG], the Senator from Michigan [Mr. HART], the Senator from Hawaii [Mr. INOUE], the Senator from Missouri [Mr. LONG], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Ohio [Mr. YOUNG], the Senator from Pennsylvania [Mr. CLARK], the Senator from West Virginia [Mr. RANDOLPH], and the Senator from Indiana [Mr. HARTKE] be added as cosponsors of the bill (S. 2932) to clarify and otherwise amend the Poultry Products Inspection Act, to provide for cooperation with appropriate State agencies with respect to State poultry products inspection programs, and for other purposes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MONTROYA. Mr. President, I also ask unanimous consent that, at its next printing, the name of the Senator from Kentucky [Mr. COOPER] be added as a cosponsor of the bill (S. 2871) to amend the National School Lunch Act, to strengthen and expand food service programs for children and for other purposes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. PEARSON. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Texas [Mr. TOWER] be added as a cosponsor of the bill (S. 2970) to establish an independent Office of Government Procedure to assist the Congress in its oversight of the execution of statutes enacted by the Congress, the evaluation of procedures of executive and independent agencies of the Government, and the adoption of improved means to carry into effect the policies of the Congress.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BARTLETT. Mr. President, I ask unanimous consent that, at its next printing, the name of the junior Senator from Kentucky [Mr. MORTON] be added as a cosponsor of the bill (S. 3102) to postpone for 2 years the date on which passenger vessels operating solely on the inland rivers and waterways must comply with certain safety standards.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from

90TH CONGRESS
2D SESSION

H. R. 16363

IN THE HOUSE OF REPRESENTATIVES

APRIL 1, 1968

Mr. PURCELL (for himself, Mr. SMITH of Iowa, and Mr. FOLEY) introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To clarify and otherwise amend the Poultry Products Inspection Act, to provide for cooperation with appropriate State agencies with respect to State poultry products inspection programs, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Wholesome Poultry
4 Products Act".

5 SEC. 2. Section 2 of the Poultry Products Inspection
6 Act (71 Stat. 441, as amended; 21 U.S.C. 451) is hereby
7 amended to read:

8 "SEC. 2. Poultry and poultry products are an important
9 source of the Nation's total supply of food. They are con-

1 sumed throughout the Nation and the major portion thereof
2 moves in interstate or foreign commerce. It is essential in
3 the public interest that the health and welfare of consumers
4 be protected by assuring that poultry products distributed to
5 them are wholesome, not adulterated, and properly marked,
6 labeled, and packaged. Unwholesome, adulterated, or mis-
7 branded poultry products impair the effective regulation of
8 poultry products in interstate or foreign commerce, are in-
9 jurious to the public welfare, destroy markets for wholesome,
10 not adulterated, and properly labeled and packaged poultry
11 products, and result in sundry losses to poultry producers and
12 processors of poultry and poultry products, as well as injury
13 to consumers. It is hereby found that all articles and poultry
14 which are regulated under this Act are either in interstate
15 or foreign commerce or substantially affect such commerce,
16 and that regulation by the Secretary of Agriculture and
17 cooperation by the States and other jurisdictions as con-
18 templated by this Act are appropriate to prevent and elimi-
19 nate burdens upon such commerce, to effectively regulate
20 such commerce, and to protect the health and welfare of
21 consumers.”

22 SEC. 3. Section 3 of said Act (21 U.S.C. 452) is hereby
23 amended to read:

24 “SEC. 3. It is hereby declared to be the policy of the Con-
25 gress to provide for the inspection of poultry and poultry

1 products and otherwise regulate the processing and distribu-
2 tion of such articles as hereinafter prescribed to prevent the
3 movement or sale in interstate or foreign commerce of, or
4 the burdening of such commerce by poultry products which
5 are adulterated or misbranded.”

6 SEC. 4. Section 4 of said Act (21 U.S.C. 453) is hereby
7 amended to read: “For purposes of this Act—

8 “(a) The term ‘commerce’ means commerce between
9 any State, any territory, or the District of Columbia, and
10 any place outside thereof; or within any territory not orga-
11 nized with a legislative body, or the District of Columbia.

12 “(b) Except as otherwise provided in this Act, the term
13 ‘State’ means any State of the United States and the Com-
14 monwealth of Puerto Rico.

15 “(c) The term ‘territory’ means Guam, the Virgin Is-
16 lands of the United States, American Samoa, and any other
17 territory or possession of the United States, excluding the
18 Canal Zone.

19 “(d) The term ‘United States’ means the States, the
20 District of Columbia, and the territories of the United States.

21 “(e) The term ‘poultry’ means any domesticated bird,
22 whether live or dead.

23 “(f) The term ‘poultry product’ means any poultry car-
24 cass, or part thereof; or any product which is made wholly or
25 in part from any poultry carcass or part thereof, excepting

1 products which contain poultry ingredients only in a rela-
2 tively small proportion or historically have not been consid-
3 ered by consumers as products of the poultry food industry,
4 and which are exempted by the Secretary from definition
5 as a poultry product under such conditions as the Secretary
6 may prescribe to assure that the poultry ingredients in such
7 products are not adulterated and that such products are not
8 represented as poultry products.

9 “(g) The term ‘adulterated’ shall apply to any poultry
10 product under one or more of the following circumstances:

11 “(1) if it bears or contains any poisonous or dele-
12 terious substance which may render it injurious to
13 health; but in case the substance is not an added sub-
14 stance, such article shall not be considered adulterated
15 under this clause if the quantity of such substance in or
16 on such article does not ordinarily render it injurious to
17 health;

18 “(2) (A) if it bears or contains (by reason of ad-
19 ministration of any substance to the live poultry or other-
20 wise) any added poisonous or added deleterious sub-
21 stance (other than one which is (i) a pesticide chemical
22 in or on a raw agricultural commodity; (ii) a food ad-
23 ditive; or (iii) a color additive) which may, in the
24 judgment of the Secretary, make such article unfit for
25 human food;

1 “(B) if it is, in whole or in part, a raw agricultural
2 commodity and such commodity bears or contains a
3 pesticide chemical which is unsafe within the meaning
4 of section 408 of the Federal Food, Drug, and Cosmetic
5 Act;

6 “(C) if it bears or contains any food additive which
7 is unsafe within the meaning of section 409 of the Fed-
8 eral Food, Drug, and Cosmetic Act;

9 “(D) if it bears or contains any color additive
10 which is unsafe within the meaning of section 706 of
11 the Federal Food, Drug, and Cosmetic Act: *Provided*,
12 That an article which is not otherwise deemed adulter-
13 ated under clause (B), (C), or (D) shall nevertheless
14 be deemed adulterated if use of the pesticide chemical,
15 food additive, or color additive in or on such article is
16 prohibited by regulations of the Secretary in official
17 establishments;

18 “(3) if it consists in whole or in part of any filthy,
19 putrid, or decomposed substance or is for any other rea-
20 son unsound, unhealthful, unwholesome, or otherwise
21 unfit for human food;

22 “(4) if it has been prepared, packed, or held under
23 insanitary conditions whereby it may have become con-
24 taminated with filth, or whereby it may have been ren-
25 dered injurious to health;

1 “(5) if it is, in whole or in part, the product of any
2 poultry which has died otherwise than by slaughter;

3 “(6) if its container is composed, in whole or in
4 part, of any poisonous or deleterious substance which
5 may render the contents injurious to health;

6 “(7) if it has been intentionally subjected to radia-
7 tion, unless the use of the radiation was in conformity
8 with a regulation or exemption in effect pursuant to sec-
9 tion 409 of the Federal Food, Drug, and Cosmetic
10 Act; or

11 “(8) if any valuable constituent has been in whole
12 or in part omitted or abstracted therefrom; or if any sub-
13 stance has been substituted, wholly or in part therefor;
14 or if damage or inferiority has been concealed in any
15 manner; or if any substance has been added thereto or
16 mixed or packed therewith so as to increase its bulk or
17 weight, or reduce its quality or strength, or make it
18 appear better or of greater value than it is.

19 “(h) The term ‘misbranded’ shall apply to any poultry
20 product under one or more of the following circumstances:

21 “(1) if its labeling is false or misleading in any
22 particular;

23 “(2) if it is offered for sale under the name of an-
24 other food;

25 “(3) if it is an imitation of another food, unless its

label bears, in type of uniform size and prominence, the word 'imitation' and immediately thereafter, the name of the food imitated;

“(4) if its container is so made, formed, or filled as to be misleading;

“(5) unless it bears a label showing (A) the name and the place of business of the manufacturer, packer, or distributor; and (B) an accurate statement of the quantity of the product in terms of weight, measure, or numerical count: *Provided*, That under clause (B) of this subparagraph (5), reasonable variations may be permitted, and exemptions as to small packages or articles not in packages or other containers may be established by regulations prescribed by the Secretary;

“(6) if any word, statement, or other information required by or under authority of this Act to appear on the label or other labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;

“(7) if it purports to be or is represented as a food for which a definition and standard of identity or compo-

1 sition has been prescribed by regulations of the Secre-
2 tary under section 8 of this Act unless (A) it conforms
3 to such definition and standard, and (B) its label bears
4 the name of the food specified in the definition and stand-
5 ard and, insofar as may be required by such regulations,
6 the common names of optional ingredients (other than
7 spices, flavoring, and coloring) present in such food;

8 “(8) if it purports to be or is represented as a food
9 for which a standard or standards of fill of container have
10 been prescribed by regulations of the Secretary under
11 section 8 of this Act, and it falls below the standard of
12 fill of container applicable thereto, unless its label bears,
13 in such manner and form as such regulations specify, a
14 statement that it falls below such standard;

15 “(9) if it is not subject to the provisions of subpara-
16 graph (7), unless its label bears (A) the common or
17 usual name of the food, if any there be, and (B) in case
18 it is fabricated from two or more ingredients, the com-
19 mon or usual name of each such ingredient; except that
20 spices, flavorings, and colorings may, when authorized
21 by the Secretary, be designated as spices, flavorings,
22 and colorings without naming each: *Provided*, That to
23 the extent that compliance with the requirements of
24 clause (B) of this subparagraph (9) is impracticable
25 or results in deception or unfair competition, exemptions

1 shall be established by regulations promulgated by the
2 Secretary;

3 “(10) if it purports to be or is represented for
4 special dietary uses unless its label bears such informa-
5 tion concerning its vitamin, mineral, and other dietary
6 properties as the Secretary, after consultation with the
7 Secretary of Health, Education, and Welfare, determines
8 to be, and by regulations prescribes as, necessary in order
9 fully to inform purchasers as to its value for such uses;

10 “(11) if it bears or contains any artificial flavoring,
11 artificial coloring, or chemical preservative, unless it
12 bears labeling stating that fact: *Provided*, That, to the
13 extent that compliance with the requirements of this
14 subparagraph (11) is impracticable, exemptions shall
15 be established by regulations promulgated by the Secre-
16 tary; or

17 “(12) if it fails to bear on its containers, and in the
18 case of nonconsumer packaged carcasses directly thereon,
19 as the Secretary may by regulations prescribe, the official
20 inspection legend and official establishment number of the
21 establishment where the article was processed, and, un-
22 restricted by any of the foregoing, such other information
23 as the Secretary may require in such regulations to assure
24 that it will not have false or misleading labeling and that

1 the public will be informed of the manner of handling
2 required to maintain the article in a wholesome condition.

3 “(i) The term ‘Secretary’ means the Secretary of Agri-
4 culture or his delegate.

5 “(j) The term ‘person’ means any individual, partner-
6 ship, corporation, association, or other business unit.

7 “(k) The term ‘inspector’ means: (1) an employee or
8 official of the United States Government authorized by the
9 Secretary to inspect poultry and poultry products under the
10 authority of this Act, or (2) any employee or official of the
11 government of any State or territory or the District of
12 Columbia authorized by the Secretary to inspect poultry and
13 poultry products under authority of this Act, under an agree-
14 ment entered into between the Secretary and the appropriate
15 State or other agency.

16 “(l) The term ‘official mark’ means the official inspec-
17 tion legend or any other symbol prescribed by regulations of
18 the Secretary to identify the status of any article or poultry
19 under this Act.

20 “(m) The term ‘official inspection legend’ means any
21 symbol prescribed by regulations of the Secretary showing
22 that an article was inspected and passed in accordance with
23 this Act.

24 “(n) The term ‘official certificate’ means any certificate
25 prescribed by regulations of the Secretary for issuance by an

1 inspector or other person performing official functions under
2 this Act.

3 “(o) The term ‘official device’ means any device pre-
4 scribed or authorized by the Secretary for use in applying
5 any official mark.

6 “(p) The term ‘official establishment’ means any estab-
7 lishment as determined by the Secretary at which inspection
8 of the slaughter of poultry, or the processing of poultry prod-
9 ucts, is maintained under the authority of this Act.

10 “(q) The term ‘inspection service’ means the official
11 Government service within the Department of Agriculture
12 designated by the Secretary as having the responsibility for
13 carrying out the provisions of this Act.

14 “(r) The term ‘container’ or ‘package’ includes any box,
15 can, tin, cloth, plastic, or other receptacle, wrapper, or cover.

16 “(s) The term ‘label’ means a display of written,
17 printed, or graphic matter upon any article or the immediate
18 container (not including package liners) of any article; and
19 the term ‘labeling’ means all labels and other written,
20 printed, or graphic matter (1) upon any article or any of
21 its containers or wrappers, or (2) accompanying such
22 article.

23 “(t) The term ‘shipping container’ means any container
24 used or intended for use in packaging the product packed in
25 an immediate container.

1 “(u) The term ‘immediate container’ includes any con-
2 sumer package; or any other container in which poultry
3 products, not consumer packaged, are packed.

4 “(v) The term ‘capable of use as human food’ shall
5 apply to any carcass, or part or product of a carcass, of any
6 poultry, unless it is denatured or otherwise identified as re-
7 quired by regulations prescribed by the Secretary to deter its
8 use as human food, or it is naturally inedible by humans.

9 “(w) The term ‘processed’ means slaughtered, canned,
10 salted, stuffed, rendered, boned, cut up, or otherwise manu-
11 factured or processed.

12 “(x) The term ‘Federal Food, Drug, and Cosmetic
13 Act’ means the Act so entitled, approved June 25, 1938
14 (52 Stat. 1040), and Acts amendatory thereof or supple-
15 mentary thereto.

16 “(y) The terms ‘pesticide chemical’, ‘food additive’,
17 ‘color additive’, and ‘raw agricultural commodity’ shall have
18 the same meanings for purposes of this Act as under the
19 Federal Food, Drug, and Cosmetic Act.

20 “(z) The term ‘poultry products broker’ means any
21 person engaged in the business of buying or selling poultry
22 products on commission, or otherwise negotiating purchases
23 or sales of such articles other than for his own account or as
24 an employee of another person.

25 “(aa) The term ‘renderer’ means any person engaged

1 in the business of rendering carcasses, or parts or products
2 of the carcasses, of poultry, except rendering conducted
3 under inspection or exemption under this Act.

4 “(bb) The term ‘animal food manufacturer’ means any
5 person engaged in the business of manufacturing or process-
6 ing animal food derived wholly or in part from carcasses, or
7 parts or products of the carcasses, of poultry.”

8 SEC. 5. Section 5 of said Act (21 U.S.C. 454) is hereby
9 amended to read:

10 “SEC. 5. (a) It is the policy of the Congress to protect
11 the consuming public from poultry products that are adulter-
12 ated or misbranded and to assist in efforts by State and other
13 Government agencies to accomplish this objective. In fur-
14 therance of this policy—

15 “(1) The Secretary is authorized, whenever he
16 determines that it would effectuate the purposes of this
17 Act, to cooperate with the appropriate State agency in
18 developing and administering a State poultry product
19 inspection program in any State which has enacted a
20 mandatory State poultry product inspection law that im-
21 poses ante-mortem and post-mortem inspection, reinspec-
22 tion and sanitation requirements that are at least equal to
23 those under this Act, with respect to all or certain classes
24 of persons engaged in the State in slaughtering poultry or

1 processing poultry products for use as human food solely
2 for distribution within such State.

3 “(2) The Secretary is further authorized, whenever
4 he determines that it would effectuate the purposes of
5 this Act, to cooperate with appropriate State agencies
6 in developing and administering State programs under
7 State laws containing authorities at least equal to those
8 provided in section 11 of this Act; and to cooperate with
9 other agencies of the United States in carrying out any
10 provisions of this Act. In carrying out the provisions of
11 this Act, the Secretary may conduct such examinations,
12 investigations, and inspections as he determines practi-
13 cable through any officer or employee of any State or
14 Territory or the District of Columbia commissioned by
15 the Secretary for such purpose.

16 “(3) Cooperation with State agencies under this
17 section may include furnishing to the appropriate State
18 agency (i) advisory assistance in planning and otherwise
19 developing an adequate State program under the State
20 law; and (ii) technical and laboratory assistance and
21 training (including necessary curricular and instruc-
22 tional materials and equipment), and financial and other
23 aid for administration of such a program. The amount
24 to be contributed to any State by the Secretary under
25 this section from Federal funds for any year shall not

1 exceed 50 per centum of the estimated total cost of the
2 cooperative program; and the Federal funds shall be
3 allocated among the States desiring to cooperate on an
4 equitable basis. Such cooperation and payment shall be
5 contingent at all times upon the administration of the
6 State program in a manner which the Secretary, in con-
7 sultation with the appropriate advisory committee ap-
8 pointed under subparagraph (4), deems adequate to
9 effectuate the purposes of this section.

10 “(4) The Secretary may appoint advisory commit-
11 tees consisting of such representatives of appropriate
12 State agencies as the Secretary and the State agencies
13 may designate to consult with him concerning State
14 and Federal programs with respect to poultry product in-
15 spection and other matters within the scope of this Act,
16 including evaluating State programs for purposes of this
17 Act and obtaining better coordination and more uni-
18 formity among the State programs and between the Fed-
19 eral and State programs and adequate protection of
20 consumers.

21 “(b) The appropriate State agency with which the
22 Secretary may cooperate under this Act shall be a single
23 agency in the State which is primarily responsible for the
24 coordination of the State programs having objectives similar
25 to those under this Act. When the State program includes

1 performance of certain functions by a municipality or other
2 subordinate governmental unit, such unit shall be deemed to
3 be a part of the State agency for purposes of this section.

4 “(c) (1) If the Secretary has reason to believe, by
5 thirty days prior to the expiration of two years after enact-
6 ment of the Wholesome Poultry Products Act, that a State
7 has failed to develop or is not enforcing, with respect to all
8 establishments within its jurisdiction (except those that
9 would be exempted from Federal inspection under subpara-
10 graph (2) of this paragraph (c)) at which poultry are
11 slaughtered, or poultry products are processed for use as
12 human food, solely for distribution within such State, and the
13 products of such establishments, requirements at least equal
14 to those imposed under sections 1-4, 6-10, and 12-22 of this
15 Act, he shall promptly notify the Governor of the State of
16 this fact. If the Secretary determines, after consultation with
17 the Governor of the State, or representative selected by him,
18 that such requirements have not been developed and acti-
19 vated, he shall promptly after the expiration of such two-
20 year period designate such State as one in which the provi-
21 sions of said sections of this Act shall apply to operations
22 and transactions wholly within such State: *Provided*, That if
23 the Secretary has reason to believe that the State will acti-
24 vate such requirements within one additional year, he may
25 delay such designation for said period, and not designate the

1 State, if he determines at the end of the year that the State
2 then has such requirements in effective operation. The Secre-
3 tary shall publish any such designation in the Federal Regis-
4 ter and, upon the expiration of thirty days after such publi-
5 cation, the provisions of said sections of this Act shall apply
6 to operations and transactions and to persons engaged there-
7 in in the State to the same extent and in the same manner
8 as if such operations and transactions were conducted in or
9 for commerce. However, notwithstanding any other provi-
10 sion of this section, if the Secretary determines that any
11 establishment within a State is producing adulterated poul-
12 try products for distribution within such State which would
13 clearly endanger the public health he shall notify the Gover-
14 nor of the State and the appropriate advisory committee
15 provided for by subparagraph (a) (4) of this section of such
16 fact for effective action under State or local law. If the State
17 does not take action to prevent such endangering of the
18 public health within a reasonable time after such notice, as
19 determined by the Secretary, in light of the risk to public
20 health, the Secretary may forthwith designate any such
21 establishment as subject to the provisions of said sections of
22 this Act, and thereupon the establishment and operator
23 thereof shall be subject to such provisions as though engaged
24 in commerce until such time as the Secretary determines that

1 such State has developed and will enforce requirements at
2 least equal to those imposed under said sections.

3 “(2) The provisions of this Act requiring inspection of
4 the slaughter of poultry and the processing of poultry prod-
5 ucts shall not apply to operations of types traditionally and
6 usually conducted at retail stores and restaurants, when con-
7 ducted at any retail store or restaurant or similar retail-type
8 establishment for sale in normal retail quantities or service
9 of such articles to consumers at such establishments if such
10 establishments are subject to such inspection provisions only
11 under this paragraph (c).

12 “(3) Whenever the Secretary determines that any State
13 designated under this paragraph (c) has developed and will
14 enforce State poultry products inspection requirements at
15 least equal to those imposed under the aforesaid sections of
16 this Act, with respect to the operations and transactions
17 within such State which are regulated under subparagraph
18 (1) of this paragraph (c), he shall terminate the designation
19 of such State under this paragraph (c), but this shall not
20 preclude the subsequent redesignation of the State at any
21 time upon thirty days’ notice to the Governor and publication
22 in the Federal Register in accordance with this paragraph.
23 and any State may be designated upon such notice and
24 publication, at any time after the period specified in this
25 paragraph whether or not the State has theretofore been

1 designated, upon the Secretary determining that it is not
2 effectively enforcing requirements at least equal to those
3 imposed under said sections.

4 “(4) The Secretary shall promptly upon enactment of
5 the Wholesome Poultry Products Act, and periodically there-
6 after, but at least annually, review the requirements, includ-
7 ing the enforcement thereof, of the several States not desig-
8 nated under this paragraph (c), with respect to the slaugh-
9 ter, and the processing, storage, handling, and distribution of
10 poultry products, and inspection of such operations, and
11 annually report thereon to the Committee on Agriculture of
12 the House of Representatives and the Committee on Agricul-
13 ture and Forestry of the Senate in the report required in sec-
14 tion 27 of the Wholesome Poultry Products Act.

15 “(d) As used in this section, the term ‘State’ means
16 any State (including the Commonwealth of Puerto Rico) or
17 organized territory.”

18 SEC. 6. Section 6 of said Act (21 U.S.C. 455) is
19 hereby amended as follows:

20 (a) Paragraph (a) is amended to read:

21 “(a) For the purpose of preventing the entry into or
22 flow or movement in commerce of, or the burdening of
23 commerce by, any poultry product which is capable of use
24 as human food and is adulterated, the Secretary shall, where
25 and to the extent considered by him necessary, cause to be

1 made by inspectors ante mortem inspection of poultry in
2 each official establishment processing poultry or poultry
3 products for commerce or otherwise subject to inspection
4 under this Act."

5 (b) Paragraph (b) is amended by deleting the phrase
6 "in, or for marketing in a designated city or area" and sub-
7 stituting the phrase "otherwise subject to inspection under
8 this Act"; by inserting the word "and" before the word
9 "reinspection"; and by inserting the phrase "capable of use
10 as human food" after the phrase "poultry products" the
11 first time the latter phrase appears in the paragraph.

12 (c) Paragraph (c) is amended by deleting the phrase
13 "unwholesome or" and the phrase "not unwholesome and"
14 each time they appear therein; and by inserting the word
15 "other" before the phrase "poultry products".

16 SEC. 7. In section 7 of said Act (21 U.S.C. 456) para-
17 graph (a) is hereby amended by deleting the phrase "in or
18 for marketing in a designated major consuming area" and
19 substituting the phrase "otherwise subject to inspection under
20 this Act"; by deleting the phrase "in a designated major
21 consuming area" and substituting the phrase "burdensome
22 effect upon commerce"; and by deleting the phrase "un-
23 wholesome or".

24 SEC. 8. Section 8 of said Act (21 U.S.C. 457) is hereby
25 amended to read:

1 “SEC. 8. (a) All poultry products inspected at any offi-
2 cial establishment under the authority of this Act and found
3 to be not adulterated, shall at the time they leave the estab-
4 lishment bear, in distinctly legible form, on their shipping
5 containers and immediate containers, and in the case of non-
6 consumer packaged carcasses directly thereon, as the Secre-
7 tary may require, the information required under paragraph
8 (h) of section 4 of this Act.

9 “(b) The Secretary, whenever he determines such ac-
10 tion is necessary for the protection of the public, may pre-
11 scribe: (1) the styles and sizes of type to be used with respect
12 to material required to be incorporated in labeling to avoid
13 false or misleading labeling in marketing and labeling any
14 articles or poultry subject to this Act; (2) definitions and
15 standards of identity or composition or articles subject to this
16 Act and standards of fill of container for such articles not in-
17 consistent with any such standards established under the
18 Federal Food, Drug, and Cosmetic Act, and there shall be
19 consultation between the Secretary and the Secretary of
20 Health, Education, and Welfare prior to the issuance of such
21 standards under either Act relating to articles subject to this
22 Act to avoid inconsistency in such standards and possible
23 impairment of the coordinated effective administration of
24 these Acts. There shall also be consultation between the Sec-

1 retary and an appropriate advisory committee provided for
2 in section 5 of this Act, prior to the issuance of such stand-
3 ards under this Act, to avoid, insofar as feasible, inconsistency
4 between Federal and State standards.

5 “(c) No article subject to this Act shall be sold or offered
6 for sale by any person in commerce, under any name or
7 other marking or labeling which is false or misleading, or in
8 any container of a misleading form or size, but established
9 trade names and other marking and labeling and containers
10 which are not false or misleading and which are approved
11 by the Secretary are permitted.

12 “(d) If the Secretary has reason to believe that any
13 marking or labeling or the size or form of any container in
14 use or proposed for use with respect to any article subject
15 to this Act is false or misleading in any particular, he may
16 direct that such use be withheld unless the marking, label-
17 ing, or container is modified in such manner as he may pre-
18 scribe so that it will not be false or misleading. If the person
19 using or proposing to use the marking, labeling, or container
20 does not accept the determination of the Secretary, such
21 person may request a hearing, but the use of the marking,
22 labeling, or container shall, if the Secretary so directs, be
23 withheld pending hearing and final determination by the
24 Secretary. Any such determination by the Secretary shall
25 be conclusive unless, within thirty days after receipt of

1 notice of such final determination, the person adversely
2 affected thereby appeals to the United States Court of Ap-
3 peals for the circuit in which such person has its principal
4 place of business or to the United States Court of Appeals
5 for the District of Columbia Circuit. The provisions of sec-
6 tion 204 of the Packers and Stockyards Act, 1921 (42
7 Stat. 162, as amended; 7 U.S.C. 194), shall be applicable
8 to appeals taken under this section.”

9 SEC. 9. Section 9 of said Act (21 U.S.C. 458) is
10 amended to read:

11 “SEC. 9. (a) No person shall knowingly—

12 “(1) slaughter any poultry or process any poultry
13 products which are capable of use as human food at any
14 establishment processing any such articles for commerce,
15 except in compliance with the requirements of this Act;

16 “(2) sell, transport, offer for sale or transportation,
17 or receive for transportation, in commerce, (A) any
18 poultry products which are capable of use as human food
19 and are adulterated or misbranded at the time of such
20 sale, transportation, offer for sale or transportation, or
21 receipt for transportation; or (B) any poultry products
22 required to be inspected under this Act unless they have
23 been so inspected and passed:

24 “(3) do, with respect to any poultry products which

1 are capable of use as human food, any act while they
2 are being transported in commerce or held for sale after
3 such transportation, which is intended to cause or has
4 the effect of causing such products to be adulterated or
5 misbranded;

6 “(4) sell, transport, offer for sale or transporta-
7 tion, or receive for transportation, in commerce or from
8 an official establishment, any slaughtered poultry from
9 which the blood, feathers, feet, head, or viscera have
10 not been removed in accordance with regulations pro-
11 mulgated by the Secretary, except as may be authorized
12 by regulations of the Secretary;

13 “(5) use to his own advantage, or reveal other
14 than to the authorized representatives of the United
15 States Government or any State or other government
16 in their official capacity, or as ordered by a court in any
17 judicial proceedings, any information acquired under the
18 authority of this Act concerning any matter which is
19 entitled to protection as a trade secret.

20 “(b) No brand manufacturer, printer, or other person
21 shall cast, print, lithograph, or otherwise make any device
22 containing any official mark or simulation thereof, or any
23 label bearing any such mark or simulation, or any form of
24 official certificate or simulation thereof, except as authorized
25 by the Secretary.

1 “(c) No person shall—

2 “(1) forge any official device, mark, or certificate;

3 “(2) without authorization from the Secretary use
4 any official device, mark, or certificate, or simulation
5 thereof, or alter, detach, deface, or destroy any official
6 device, mark, or certificate;

7 “(3) contrary to the regulations prescribed by the
8 Secretary, fail to use, or to detach, deface, or destroy any
9 official device, mark, or certificate;

10 “(4) knowingly possess, without promptly notify-
11 ing the Secretary or his representative, any official de-
12 vice or any counterfeit, simulated, forged, or improperly
13 altered official certificate or any device or label or any
14 carcass of any poultry, or part or product thereof, bear-
15 ing any counterfeit, simulated, forged, or improperly
16 altered official mark;

17 “(5) knowingly make any false statement in any
18 shippers certificate or other nonofficial or official certi-
19 ficate provided for in the regulations prescribed by the
20 Secretary; or

21 “(6) knowingly represent that any article has been
22 inspected and passed, or exempted, under this Act when,
23 in fact, it has, respectively, not been so inspected and
24 passed, or exempted.”

25 SEC. 10. Section 10 of said Act (21 U.S.C. 459) is

1 hereby amended by deleting the phrase “in or for marketing
2 in a designated major consuming area” and substituting the
3 phrase “otherwise subject to this Act”.

4 SEC. 11. Section 11 of said Act (21 U.S.C. 460) is
5 hereby amended to read:

6 “(a) Inspection shall not be provided under this Act
7 at any establishment for the slaughter of poultry or the
8 processing of any carcasses or parts or products of poultry,
9 which are not intended for use as human food, but such
10 articles shall, prior to their offer for sale or transportation
11 in commerce, unless naturally inedible by humans, be de-
12 natured or otherwise identified as prescribed by regulations
13 of the Secretary to deter their use for human food. No person
14 shall buy, sell, transport, or offer for sale or transportation,
15 or receive for transportation, in commerce, or import, any
16 poultry carcasses or parts or products thereof which are not
17 intended for use as human food unless they are denatured or
18 otherwise identified as required by the regulations of the
19 Secretary or are naturally inedible by humans.

20 “(b) The following classes of persons shall, for such
21 period of time as the Secretary may by regulations prescribe,
22 not to exceed two years unless otherwise directed by the Sec-
23 retary for good cause shown, keep such records as are proper-
24 ly necessary for the effective enforcement of this Act in order
25 to insure against adulterated or misbranded poultry products

1 for the American consumer; and all persons subject to such
2 requirements shall, at all reasonable times, upon notice by a
3 duly authorized representative of the Secretary, afford such
4 representative access to their places of business and opportu-
5 nity to examine the facilities, inventory, and records thereof,
6 to copy all such records, and to take reasonable samples of
7 their inventory upon payment of the fair market value
8 therefor—

9 “(1) Any person that engages in the business of
10 slaughtering any poultry or processing, freezing, packag-
11 ing, or labeling any carcasses, or parts or products of
12 carcasses, of any poultry, for commerce, for use as human
13 food or animal food;

14 “(2) Any person that engages in the business of
15 buying or selling (as poultry products brokers, whole-
16 salers or otherwise), or transporting, in commerce, or
17 storing in or for commerce, or importing, any carcasses,
18 or parts or products of carcasses, of any poultry;

19 “(3) Any person that engages in business, in or
20 for commerce, as a renderer, or engages in the business
21 of buying, selling, or transporting, in commerce, or im-
22 porting, any dead, dying, disabled, or diseased poultry
23 or parts of the carcasses of any poultry that died other-
24 wise than by slaughter.

1 “(c) No person shall engage in business, in or for com-
2 merce, as a poultry products broker, renderer, or animal food
3 manufacturer, or engage in business in commerce as a whole-
4 saler of any carcasses, or parts or products of the carcasses,
5 of any poultry, whether intended for human food or other
6 purposes, or engage in business as a public warehouseman
7 storing any such articles in or for commerce, or engage in
8 the business of buying, selling, or transporting in commerce,
9 or importing, any dead, dying, disabled, or diseased poultry,
10 or parts of the carcasses of any poultry that died otherwise
11 than by slaughter, unless, when required by regulations of
12 the Secretary, he has registered with the Secretary his name,
13 and the address of each place of business at which, and all
14 trade names under which, he conducts such business.

15 “(d) No person engaged in the business of buying, sell-
16 ing, or transporting in commerce, or importing, dead, dying,
17 disabled, or diseased poultry, or any parts of the carcasses of
18 any poultry that died otherwise than by slaughter, shall buy,
19 sell, transport, offer for sale or transportation, or receive for
20 transportation, in commerce, or import, any dead, dying, dis-
21 abled, or diseased poultry or parts of the carcasses of any
22 poultry that died otherwise than by slaughter, unless such
23 transaction, transportation or importation is made in accord-
24 ance with such regulations as the Secretary may prescribe to
25 assure that such poultry, or the unwholesome parts or prod-

1 ucts thereof, will be prevented from being used for human
2 food.

3 “(e) The authority conferred on the Secretary by para-
4 graph (b), (c), or (d) of this section with respect to per-
5 sons engaged in the specified kinds of business in or for
6 commerce may be exercised with respect to persons engaged,
7 in any State or organized territory, in such kinds of business
8 but not in or for commerce, whenever the Secretary deter-
9 mines, after consultation with an appropriate advisory com-
10 mittee provided for in section 5 of this Act, that the State or
11 territory does not have at least equal authority under its
12 laws or such authority is not exercised in a manner to effec-
13 tuate the purposes of this Act, including the State or territory
14 providing for the Secretary or his representative being af-
15 forded access to such places of business and the facilities,
16 inventories, and records thereof, and the taking of reasonable
17 samples, where he determines necessary in carrying out his
18 responsibilities under this Act; and in such case the pro-
19 visions of paragraph (b), (c), or (d) of this section, re-
20 spectively, shall apply to such persons to the same extent and
21 in the same manner as if they were engaged in such busi-
22 ness in or for commerce and the transactions involved were
23 in commerce.”

24 SEC. 12. Section 12 of said Act (21 U.S.C. 461) is
25 hereby amended as follows:

1 (a) Paragraph (a) is amended by changing the first
2 sentence to read:

3 “Any person who violates the provisions of section 9,
4 10, 11, 14, or 17 of this Act shall be fined not more than
5 \$1,000 or imprisoned not more than one year, or both;
6 but if such violation involves intent to defraud, or any dis-
7 tribution or attempted distribution of an article that is adulter-
8 ated (except as defined in section 4 (g) (8) of this Act),
9 such person shall be fined not more than \$10,000 or impris-
10 oned not more than three years, or both.”

11 (b) Paragraph (b) is amended by deleting the phrase
12 “not otherwise eligible” and substituting the phrase “other-
13 wise not eligible”; by deleting the word “slaughtered” each
14 time it appears; and by adding the following before the
15 period at the end of the paragraph: “or unless the carrier
16 refuses to furnish on request of a representative of the Secre-
17 tary the name and address of the person from whom he re-
18 ceived such poultry or poultry products, and copies of all
19 documents, if any there be, pertaining to the delivery of
20 the poultry or poultry products to such carrier”.

21 (c) A new paragraph (c) is added to read:

22 “(c) Any person who forcibly assaults, resists, opposes,
23 impedes, intimidates, or interferes with any person while
24 engaged in or on account of the performance of his official
25 duties under this Act shall be fined not more than \$5,000

1 or imprisoned not more than three years, or both. Who-
2 ever, in the commission of any such acts, uses a deadly or
3 dangerous weapon, shall be fined not more than \$10,000
4 or imprisoned not more than ten years, or both. Whoever
5 kills any person while engaged in or on account of the per-
6 formance of his official duties under this Act shall be punished
7 as provided under sections 1111 and 1114 of title 18,
8 United States Code.”

9 SEC. 13. Section 14 of said Act (21 U.S.C. 463) is
10 hereby amended by designating the present provisions thereof
11 as paragraph (b) ; by inserting the word “other” before the
12 word “rules” in said paragraph; and by adding a new para-
13 graph (a) to read:

14 “(a) The Secretary may by regulations prescribe con-
15 ditions under which poultry products capable of use as human
16 food, shall be stored or otherwise handled by any person en-
17 gaged in the business of buying, selling, freezing, storing, or
18 transporting, in or for commerce, or importing, such articles,
19 whenever the Secretary deems such action necessary to as-
20 sure that such articles will not be adulterated or misbranded
21 when delivered to the consumer. Violation of any such regu-
22 lation is prohibited. However, such regulations shall not
23 apply to the storage or handling of such articles at any retail
24 store or other establishment in any State or organized Terri-
25 tory that would be subject to this section only because of pur-

1 chases in commerce, if the storage and handling of such
2 articles at such establishment is regulated under the laws of
3 the State or Territory in which such establishment is located,
4 in a manner which the Secretary, after consultation with the
5 appropriate advisory committee provided for in section 5 of
6 this Act, determines is adequate to effectuate the purposes of
7 this section.”

8 SEC. 14. Section 15 of said Act (21 U.S.C. 464) is
9 hereby amended as follows:

10 (a) In paragraph (a), subparagraph (1) is deleted
11 and subparagraphs (2), (3), and (4) are redesignated,
12 respectively, as subparagraphs (1), (2), and (3) ;

13 (b) In paragraph (a), in redesignated subparagraph
14 (2) (formerly (3)), the date “July 1, 1960” is deleted and
15 the date “January 1, 1970” is substituted therefor;

16 (c) Paragraph (b) is redesignated as paragraph (e)
17 and new paragraphs (b), (c), and (d) are added to read:

18 “(b) The Secretary may, under such sanitary conditions
19 as he may by regulations prescribe, exempt from the inspec-
20 tion requirements of this Act the slaughter of poultry, and
21 the processing of poultry products, by any person in any
22 Territory not organized with a legislative body, solely for
23 distribution within such Territory, when the Secretary deter-
24 mines that it is impracticable to provide such inspection with-
25 in the limits of funds appropriated for administration of this

1 Act and that such exemption will aid in the effective adminis-
2 tration of this Act.

3 “(c) The provisions of this Act shall not apply to (i)
4 poultry producers with respect to poultry of their own raising
5 on their own farms: *Provided*, That the wholesale dressed
6 value of such poultry which they slaughter on said farms does
7 not exceed \$15,000 during the current calendar year: *Pro-*
8 *vided further*, That such poultry producers do not engage
9 in buying or selling poultry products other than those pro-
10 duced from poultry raised on their own farms: *Provided*
11 *further*, That none of such poultry moves in commerce (as
12 defined in section 4 (a) of this Act) ; nor (ii) to any person
13 who slaughters, processes, or sells poultry the wholesale
14 dressed value of which does not exceed \$15,000 during the
15 current calendar year: *Provided*, That none of such poultry
16 moves in commerce (as defined in section 4 (a) of this Act) ;
17 nor (iii) to the slaughtering by any person of poultry of his
18 own raising, and the processing by him and transportation
19 in commerce of the poultry products exclusively for use by
20 him and members of his household and his nonpaying guests
21 and employees; nor (iv) to the custom slaughter by any
22 person of poultry delivered by the owner thereof for such
23 slaughter, and the processing by such slaughterer and trans-
24 portation in commerce of the poultry products exclusively for
25 use, in the household of such owner, by him and members of

1 his household and his nonpaying guests and employees: *Pro-*
2 *vided*, That such custom slaughterer does not engage in the
3 business of buying or selling any poultry products capable
4 of use as human food.

5 “(d) The adulteration and misbranding provisions of
6 this Act, other than the requirement of the inspection legend,
7 shall apply to articles which are exempted from inspection
8 or not required to be inspected under this section, except
9 as otherwise specified under paragraph (a).”

10 SEC. 15. Section 16 of said Act (21 U.S.C. 465) is
11 hereby amended to read:

12 “SEC. 16. The Secretary may limit the entry of poultry
13 products and other materials into any official establishment,
14 under such conditions as he may prescribe to assure that
15 allowing the entry of such articles into such inspected estab-
16 lishments will be consistent with the purposes of this Act.”

17 SEC. 16. Section 18 of said Act (21 U.S.C. 467) is
18 hereby amended to read:

19 “SEC. 18. (a) The Secretary may (for such period, or
20 indefinitely, as he deems necessary to effectuate the purposes
21 of this Act) refuse to provide, or withdraw, inspection service
22 under this Act with respect to any establishment if he de-
23 termines, after opportunity for a hearing is accorded to the
24 applicant for, or recipient of, such service, that such ap-
25 plicant or recipient is unfit to engage in any business re-

1 quiring inspection under this Act because the applicant or
2 recipient or anyone responsibly connected with the applicant
3 or recipient, has been convicted, in any Federal or State
4 court, within the previous ten years of (1) any felony or
5 more than one misdemeanor under any law based upon the
6 acquiring, handling, or distributing of adulterated, mislabeled,
7 or deceptively packaged food or fraud in connection with
8 transactions in food; or (2) any felony, involving fraud,
9 bribery, extortion, or any other act or circumstance indicating
10 a lack of the integrity needed for the conduct of operations
11 affecting the public health. For the purpose of this paragraph
12 a person shall be deemed to be responsibly connected with
13 the business if he was a partner, officer, director, holder, or
14 owner of 10 per centum or more of its voting stock or
15 employee in a managerial or executive capacity.

16 “(b) Upon the withdrawal of inspection service from
17 any official establishment for failure to destroy condemned
18 poultry products as required under section 6 of this Act, or
19 other failure of an official establishment to comply with the
20 requirements as to premises, facilities, or equipment, or the
21 operation thereof, as provided in section 7 of this Act, or the
22 refusal of inspection service to any applicant therefor be-
23 cause of failure to comply with any requirements under
24 section 7, the applicant for, or recipient of, the service shall,
25 upon request, be afforded opportunity for a hearing with

1 respect to the merits or validity of such action; but such
2 withdrawal or refusal shall continue in effect unless other-
3 wise ordered by the Secretary.

4 “(c) The determination and order of the Secretary
5 when made after opportunity for hearing, with respect to
6 withdrawal or refusal of inspection service under this Act
7 shall be final and conclusive unless the affected applicant for,
8 or recipient of, inspection service files application for judicial
9 review within thirty days after the effective date of such
10 order in the United States Court of Appeals as provided in
11 section 8 of this Act. Judicial review of any such order
12 shall be upon the record upon which the determination and
13 order are based. The provisions of section 204 of the
14 Packers and Stockyards Act of 1921, as amended, shall be
15 applicable to appeals taken under this section.”

16 SEC. 17. Sections 19 through 22 of said Act (21 U.S.C.
17 468, 469, 451 note) are hereby redesignated as sections 25,
18 26, 28, and 29, respectively, and new sections 19, 20, 21,
19 22, 23, 24, and 27 are added to the Act to read, respectively:

20 “SEC. 19. Whenever any poultry product, or any prod-
21 uct exempted from the definition of a poultry product, or any
22 dead, dying, disabled, or diseased poultry is found by any
23 authorized representative of the Secretary upon any premises
24 where it is held for purposes of, or during or after distribution
25 in, commerce or otherwise subject to this Act, and there is

1 reason to believe that any such article is adulterated or mis-
2 branded and is capable of use as human food, or that it has
3 not been inspected, in violation of the provisions of this Act
4 or of any other Federal law or the laws of any State or
5 Territory, or the District of Columbia, or that it has been
6 or is intended to be, distributed in violation of any such
7 provisions, it may be detained by such representative for a
8 period not to exceed twenty days, pending action under
9 section 20 of this Act or notification of any Federal, State,
10 or other governmental authorities having jurisdiction over
11 such article or poultry, and shall not be moved by any person,
12 from the place at which it is located when so detained, until
13 released by such representative. All official marks may be
14 required by such representative to be removed from such
15 article or poultry before it is released unless it appears to
16 the satisfaction of the Secretary that the article or poultry is
17 eligible to retain such marks.

18 “SEC. 20. (a) Any poultry product, or any dead,
19 dying, disabled, or diseased poultry, that is being transported
20 in commerce or otherwise subject to this Act, or is held
21 for sale in the United States after such transportation, and
22 that (1) is or has been processed, sold, transported, or
23 otherwise distributed or offered or received for distribution
24 in violation of this Act, or (2) is capable of use as human
25 food and is adulterated or misbranded, or (3) in any other

1 way is in violation of this Act, shall be liable to be proceeded
2 against and seized and condemned, at any time, on a libel
3 of information in any United States district court or other
4 proper court as provided in section 21 of this Act within the
5 jurisdiction of which the article or poultry is found. If the
6 article or poultry is condemned it shall, after entry of the
7 decree, be disposed of by destruction or sale as the court
8 may direct and the proceeds, if sold, less the court costs and
9 fees, and storage and other proper expenses, shall be paid
10 into the Treasury of the United States, but the article or
11 poultry shall not be sold contrary to the provisions of this
12 Act, or the laws of the jurisdiction in which it is sold:
13 *Provided*, That upon the execution and delivery of a good
14 and sufficient bond conditioned that the article or poultry
15 shall not be sold or otherwise disposed of contrary to the
16 provisions of this Act, or the laws of the jurisdiction in which
17 disposal is made, the court may direct that such article or
18 poultry be delivered to the owner thereof subject to such
19 supervision by authorized representatives of the Secretary as
20 is necessary to insure compliance with the applicable laws.
21 When a decree of condemnation is entered against the article
22 or poultry and it is released under bond, or destroyed, court
23 costs and fees, and storage and other proper expenses shall
24 be awarded against the person, if any, intervening as claimant
25 of the article or poultry. The proceedings in such libel cases

1 shall conform, as nearly as may be, to the proceedings in
2 admiralty, except that either party may demand trial by
3 jury of any issue of fact joined in any case, and all such
4 proceedings shall be at the suit of and in the name of the
5 United States.

6 “(b) The provisions of this section shall in no way
7 derogate from authority for condemnation or seizure con-
8 ferred by other provisions of this Act, or other laws.

9 “SEC. 21. The United States district courts, the District
10 Court of Guam, the District Court of the Virgin Islands, the
11 highest court of American Samoa, and the United States
12 courts of the other territories, are vested with jurisdiction
13 specifically to enforce, and to prevent and restrain violations
14 of, this Act, and shall have jurisdiction in all other kinds of
15 cases arising under this Act, except as provided in section
16 8 (d) or 18 of this Act. All proceedings for the enforcement
17 or to restrain violations of this Act shall be by and in the
18 name of the United States. Subpenas for witnesses who are
19 required to attend a court of the United States, in any district,
20 may run into any other district in any such proceeding.

21 “SEC. 22. For the efficient administration and enforce-
22 ment of this Act, the provisions (including penalties) of
23 sections 6, 8, 9, and 10 of the Federal Trade Commission
24 Act, as amended (38 Stat. 721–723, as amended; 15 U.S.C.
25 46, 48, 49, and 50) (except paragraphs (c) through (h)

1 of section 6 and the last paragraph of section 9), and the
2 provisions of subsection 409 (1) of the Communications Act
3 of 1934 (48 Stat. 1096, as amended; 47 U.S.C. 409 (1)),
4 are made applicable to the jurisdiction, powers, and duties
5 of the Secretary in administering and enforcing the provi-
6 sions of this Act and to any person with respect to whom
7 such authority is exercised. The Secretary, in person or by
8 such agents as he may designate, may prosecute any inquiry
9 necessary to his duties under this Act in any part of the
10 United States, and the powers conferred by said sections 9
11 and 10 of the Federal Trade Commission Act as amended
12 on the district courts of the United States may be exercised
13 for the purposes of this Act by any court designated in section
14 21 of this Act.

15 “SEC. 23. Requirements within the scope of this Act
16 with respect to premises, facilities and operations of any
17 official establishment, which are in addition to, or different
18 than those made under this Act may not be imposed by any
19 State or Territory or the District of Columbia, except that
20 any such jurisdiction may impose recordkeeping and other
21 requirements within the scope of paragraph (b) of section
22 11 of this Act, if consistent therewith, with respect to any
23 such establishment. Marking, labeling, packaging, or ingredi-
24 ent requirements in addition to, or different than, those made
25 under this Act may not be imposed by any State or Territory

1 or the District of Columbia with respect to articles prepared
2 at any official establishment in accordance with the require-
3 ments under this Act, but any State or Territory or the Dis-
4 trict of Columbia may, consistent with the requirements
5 under this Act, exercise concurrent jurisdiction with the
6 Secretary over articles required to be inspected under this
7 Act, for the purpose of preventing the distribution for human
8 food purposes of any such articles which are adulterated or
9 misbranded and are outside of such an establishment, or, in
10 the case of imported articles which are not at such an estab-
11 lishment, after their entry into the United States. This Act
12 shall not preclude any State or Territory or the District of
13 Columbia from making requirement or taking other action,
14 consistent with this Act, with respect to any other matters
15 regulated under this Act.

16 “SEC. 24. (a) Poultry and poultry products shall be
17 exempt from the provisions of the Federal Food, Drug, and
18 Cosmetic Act to the extent of the application or extension
19 thereto of the provisions of this Act, except that the pro-
20 visions of this Act shall not derogate from any authority
21 conferred by the Federal Food, Drug, and Cosmetic Act
22 prior to enactment of the Wholesome Poultry Products Act.

23 “(b) The detainer authority conferred by section 19 of
24 this Act shall apply to any authorized representative of the
25 Secretary of Health, Education, and Welfare for purposes

1 of the enforcement of the Federal Food, Drug, and Cosmetic
2 Act with respect to any poultry carcass, or part or product
3 thereof, that is outside any official establishment, and for
4 such purposes the first reference to the Secretary in section
5 19 shall be deemed to refer to the Secretary of Health,
6 Education, and Welfare.

7 “SEC. 27. The Secretary shall annually report to the
8 Committee on Agriculture of the House of Representatives
9 and the Committee on Agriculture and Forestry of the Senate
10 with respect to the slaughter of poultry subject to this Act,
11 and the preparation, storage, handling, and distribution of
12 poultry parts, poultry products, and inspection of establish-
13 ments operated in connection therewith, including the oper-
14 ations under and the effectiveness of this Act.”

15 SEC. 18. The heading “**Designation**” preceding sec-
16 tion 5 of said Act is hereby amended to read “**Federal**
17 **and State cooperation**”; the heading “**Labeling**” preceding
18 section 8 of said Act is hereby amended to read “**Labeling**
19 **and containers; standards**”; the heading “**Records of**
20 **interstate shipment**” preceding section 11 of said Act is
21 hereby amended to read “**Articles not intended for human**
22 **food; record and related requirements for processors of**
23 **poultry products and related industries engaged in com-**
24 **merce; registration requirements for related industries en-**
25 **gaged in commerce; regulation of transactions in com-**

1 merce in dead, dying, disabled, or diseased poultry and
2 carcasses thereof; authority to regulate comparable intra-
3 state activities”; and the heading “Violations by exempted
4 persons” preceding section 16 of said Act is hereby amended
5 to read “**Entry of materials into official establishments.**”

6 SEC. 19. If any provisions of this Act or of the amend-
7 ments made hereby or the application thereof to any person
8 or circumstances is held invalid, the validity of the remainder
9 of the Act and the remaining amendments and of the appli-
10 cation of such provision to other persons and circumstances
11 shall not be affected thereby.

12 SEC. 20. This Act shall become effective upon enact-
13 ment except as provided in paragraphs (a) through (c) :

14 (a) The provisions of subparagraphs (a) (2) (A) and
15 (a) (3) of section 9 of the Poultry Products Inspection Act
16 and the provisions of section 17 of said Act, as amended by
17 sections 9 and 16 of this Act, shall become effective upon the
18 expiration of sixty days after enactment hereof.

19 (b) Section 14 of this Act, amending section 15 of the
20 Poultry Products Inspection Act, shall become effective upon
21 the expiration of sixty days after enactment hereof.

22 (c) Paragraph 11 (d) of the Poultry Products Inspec-
23 tion Act, as added by section 11 of this Act, shall become
24 effective upon the expiration of sixty days after enactment
25 hereof.

A BILL

To clarify and otherwise amend the Poultry Products Inspection Act, to provide for co-operation with appropriate State agencies with respect to State poultry products inspection programs, and for other purposes.

By Mr. PURCELL, Mr. SMITH of Iowa, and Mr.

FOLEY

APRIL 1, 1968

Referred to the Committee on Agriculture

April 2, 1968

HOUSE

9. POULTRY. The Agriculture Committee voted to report (but did not actually report) H. R. 16363, amended, Poultry Products Inspection Act amendments. p. D284
10. EXTENSION SERVICE. The District of Columbia Committee voted to report (but did not actually report) H. R. 15280, to provide an extension service program for D. C. p. D284
11. TAXATION. Rep. Patman stated that acting on the administration's tax surcharge proposal is "the most effective solution" to avoiding ruinous inflation (p. H2473). Rep. Gonzalez repeated Rep. Wilbur Mills' statement "that even with passage of the entire tax package, including the 10-percent surtax, that inflation of at least 3 percent could be expected." p. H2479
12. EMPLOYMENT. The Post Office and Civil Service Committee reported H. Con. Res. 705, to assist veterans who have served in Vietnam or elsewhere in obtaining suitable employment (H. Rept. 1272). p. H2503
13. FOREIGN AID. Received from the Foreign Affairs Committee a report, "The Involvement of U. S. Private Enterprise in Developing Countries" (H. Rept. 1271). p. H2503
14. WEATHER. The Interstate and Foreign Commerce Committee reported H. Con. Res. 723, requesting the President to cooperate in the world weather program, including research and a weather watch system (H. Rept. 1273). pp. H2503-4
15. APPALACHIA. Both Houses received the annual report of the Appalachian Regional Commission (H. Doc. 294). pp. H2479, S3731-2
16. HOUSING. Rep. Fatcell spoke on the participation of private enterprise in solving national housing problems and inserted the formula used by an Ohio private company in efforts toward neighborhood renewal. pp. H2499-2501
Rep. McCormack praised a recent million-dollar HUD commitment for housing rehabilitation in Mass. pp. H2480-1
17. EDUCATION. Rep. Annunzio commended and inserted Rep. Patman's testimony on the proposed higher education bill. pp. H2482-4
18. CIVIL RIGHTS. Rep. Celler inserted his remarks before the Rules Committee urging action on the civil rights bill. pp. H2486-9
Rep. Barrett urged action by the Rules Committee on the civil rights bill and inserted a supporting editorial. p. H2501
19. ELECTRIFICATION. Received the annual report of the Federal Power Commission. p. H2503
20. FOREIGN TRADE. Rep. Monagan said trade opportunities in the West would now be of great assistance to the new Czech regime who wish to relax and liberalize and who find their trade relations with the U.S.S.R. a restraining and constricting influence. p. H2478

EXTENSION OF REMARKS

21. ECONOMICS; TRADE. Sen. Javits inserted Richard Gardner's address: International Economic Policy: Time for Some Giant Steps.", in which he recommends that the industrialized non-Communist nations form an industrial free trade area through the gradual elimination of tariff and nontariff barriers. pp. E2521-2
22. EDUCATION. Sen. Morse inserted statements of recommendations for national action affecting higher education. pp. E2535-42, E2542-3, E2556-60
Sen. Morse inserted an article, "National Educational Organizations and the Changing Politics of Education." pp. E2568-70
23. WATER POLLUTION. Sen. Morse inserted remarks and news items warning that it is necessary to move quickly to head off the problem of water and air pollution that shadows the development of thermal nuclear powerplants in the Pacific Northwest. pp. E2545-8
24. ELECTRIFICATION. Sen. Moss inserted FPC Chairman White's address discussing problems and setting forth his views on the need for legislation dealing with electric power reliability. pp. E2562-4
25. HONEY. Rep. Teague, Tex., inserted the language of the honey promotion bill. pp. E2565-8

BILLS INTRODUCED

26. HOLIDAY. H. R. 16395 by Rep. Kyros and H. R. 16410 by Rep. Fulton, Pa., to provide that Flag Day shall be a legal public holiday; to Judiciary Committee.
27. PERSONNEL. H. R. 16393 by Rep. Gubser, to provide for improved employee-management relations in the Federal service; to Post Office and Civil Service Committee.
H. R. 16411 by Rep. Halpern, to amend the Federal Employees Health Benefits Act of 1959 to provide that the entire cost of health benefits under such act shall be paid by the Government; to Post Office and Civil Service Committee.
28. TRADE. H. R. 16404 by Rep. Podell, "to amend the Export Control Act of 1949;" to Banking and Currency Committee.
H. R. 16416 by Rep. Herlong, to provide for orderly trade in fresh fruits and vegetables; to Ways and Means Committee.
29. HONEY. S. 3268 by Sen. Talmadge, to enable honey producers to finance a nationally coordinated research and promotion program to improve their competitive position and expand their markets for honey; to Agriculture and Forestry Committee. Remarks of author p. S3735

COMMITTEE PRINT RECEIVED IN THIS OFFICE

30. FEDERAL AID; HUMAN RESOURCES. "Federal Programs for the Development of Human Resources, a compendium of papers submitted to the Subcommittee on Economic Progress." Volumes 1 and 2. Jt. Economic Committee.

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C. 20250
OFFICIAL BUSINESS

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U. S. DEPARTMENT OF AGRICULTURE

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HIGHLIGHTS: House committee reported agricultural appropriation bill. House committee reported poultry inspection bill. House committee voted to report emergency credit revolving fund bill.

HOUSE

1. APPROPRIATIONS. The Appropriations Committee reported H. R. 16913, the Agriculture Department appropriation bill, 1969 (H. Rept. 1335) (p. H3114). Attached to this Digest is a copy of the committee report, which includes a summary table reflecting committee action on the bill. At the request of Rep. Whitten unanimous consent was granted "to call this bill up for consideration tomorrow or some day thereafter" (p. H3075).

2. POULTRY INSPECTION. The Agriculture Committee reported with amendment H. R. 16363, the Poultry Products Inspection Act amendments (H. Rept. 1333). p. H3114
3. LANDS. Concurred in Senate amendment to H. R. 11527, to release conditions in a deed conveying certain lands to the University of Maine (p. H3078). This bill will now be sent to the President. The committee report states that the bill would "(1) Authorize the Secretary of Agriculture to release a condition in a conveyance to the University of Maine requiring the lands conveyed to be used for public purposes. Such release would be conditioned upon (A) the university's agreement that all proceeds from the sale, lease, or other disposition of the lands be used to acquire lands to be held permanently for university purposes, and (B) the proceeds being kept in a separate fund and subject to inspection by the Secretary. (2) Require the Secretary of the Interior upon application to convey the mineral interests of the United States to the surface owners at a fair market value (or \$1 per application if of only nominal value)."
The Interior and Insular Affairs Committee reported with amendment H. R. 9098, to revise the boundaries of the Badlands National Monument, S. Dak. (H. Rept. 1328), p. H3113
4. FARM CREDIT. The Agriculture Committee reported without amendment H. R. 16674, to amend the Federal Farm Loan Act and the Farm Credit Act to improve the capitalization of Federal intermediate credit banks and production credit associations (H. Rept. 1334). p. H3114
5. METRIC SYSTEM. The Rules Committee reported a resolution for the consideration of H. R. 3136, to authorize a study to determine the advantages and disadvantages of increased use of the metric system in the U.S. p. H3114
6. HOLIDAYS. The Rules Committee reported a resolution for the consideration of H. R. 15951, to provide for uniform annual observances of certain legal public holidays on Mondays. p. H3114
7. EDUCATION. The Rules Committee reported a resolution for the consideration of H. R. 16729, to extend for 2 years certain programs providing assistance to students at institutions of higher education. p. H3114
8. MONETARY SYSTEM. Both Houses received from the President a message on the International Monetary Fund Agreement in which he recommended that the Congress "approve changes in the...Agreement to create a new form of international reserve--the Special Drawing Right (H. Doc. 300); to H. Banking and Currency and S. Foreign Relations Committees. pp. H3078-80, S4629-31
Received from the National Advisory Council on International Monetary and Financial Policies, a "special report on the proposed amendment of the articles of agreement of the International Monetary Fund establishing a facility based on the special drawing rights in the Fund and modifications in the rules and practices of the Fund" (H. Doc. 301). p. H3113

WHOLESOME POULTRY PRODUCTS ACT

APRIL 30, 1968.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. POAGE, from the Committee on Agriculture, submitted the following

R E P O R T

together with

ADDITIONAL INDIVIDUAL VIEWS

[To accompany H. R. 16363]

The Committee on Agriculture, to whom was referred the bill (H. R. 16363) to clarify and otherwise amend the Poultry Products Inspection Act, to provide for cooperation with appropriate State agencies with respect to State poultry products inspection programs, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Page 33, line 3, after "(c)" insert "(1)".

Page 33, line 12, after the words "of this Act)" insert the following:

: *Provided further*, That such producers do not engage in selling dressed poultry or poultry products which are not sound, healthful, clean, and otherwise fit for human food.

Page 33, line 16, after the words "of this Act)" insert the following:

: *Provided further*, That such persons do not engage in selling dressed poultry or poultry products which are not sound, healthful, clean, and otherwise fit for human food.

Page 34, after line 4, insert the following:

(2) In addition to the specific exemptions provided herein the Secretary shall, when he determines that the protection of consumers from adulterated or misbranded poultry products will not be impaired by such action, provide by regulation for further exempting the operation and products of small

enterprises (including poultry producers) engaged in slaughtering and/or cutting up poultry for distribution as carcasses or parts thereof, which are subject to the provisions of this Act only under Section 5(c) from such provisions of this Act as he deems appropriate, while still protecting the public from adulterated or misbranded products, under such conditions, including sanitary requirements, as he shall prescribe to effectuate the purposes of this Act: *Provided*, That any such further exemption may be revoked by the Secretary with respect to any establishment if he determines that the operations of an establishment under the exemption have resulted or will result in the distribution of adulterated or misbranded poultry products or that the operator of the establishment has failed to comply with the conditions of exemption.

Page 34, line 9, strike the words "paragraph (a)." and insert in lieu thereof the words "paragraphs (a) and (c).".

STATEMENT

The Committee on Agriculture, by a 22-to-5 vote, recommends the enactment of H.R. 16363 to bring poultry inspection services up to the high standards required for the protection of all consumers throughout this Nation.

The present Poultry Products Inspection Act, though it has come to be recognized as a model for the world since its enactment 11 years ago, does not provide complete assurance that all consumers will have access to wholesome poultry. The 1957 act established a Federal inspection system for poultry and poultry products processed by plants shipping in interstate and foreign commerce. For the products covered, it has worked well because it assures that the birds or products bearing its mark are wholesome, unadulterated, and honestly labeled. For the poultry products not covered, inspection service, when provided, is often inadequate.

Instead of replacing the Poultry Products Inspection Act, H.R. 16363 amends it to authorize the establishment of a Federal-State cooperative inspection service for poultry products comparable to that provided under the Federal Meat Inspection Act, as amended in 1967. Through help in the development of trained staffs and the provision of funds by the Federal Government, the States are encouraged to enact and administer effective mandatory inspection programs under State administration or jointly with the Federal Government. Two years are allowed the States in which to implement such a system. If the Secretary has reason to believe a State will meet this requirement, an additional year will be given to complete the installation and employment of the system.

The bill extends Federal inspection and regulation to poultry processed for shipment within the States where the States do not enforce requirements at least equal to the Federal requirements after the specified times above.

Where poultry products processed solely for intrastate commerce endangered the public health, the Federal requirements could, under specified conditions, be applied at any time to those particular establishments.

Through such extension of the existing Poultry Products Inspection Act, the proposed Wholesome Poultry Products Act provides that the bulk of the 13 percent (some 1.6 billion pounds) of the poultry slaughtered each year in the United States without Federal inspection would soon be covered by requirements equal to the 87 percent now federally inspected.

In measures similar to those in title II of the Federal Meat Inspection Act, the bill would authorize surveillance of the activities where adulteration or misbranding could occur other than just the processing or slaughtering phases. The persons or firms subject to such supervision would include, among others in commerce, poultry products brokers, renderers, animal-food manufacturers, and dealers in dead, dying, disabled, or diseased poultry or parts of poultry that died other than by slaughter. Typical of these measures are ones which provide that:

1. Regulation of the storage and handling of poultry products in commerce is authorized.

2. Inspection provisions applicable to poultry and the denaturing or identifying positively those parts of carcasses or products unfit for human food or otherwise intended are clarified.

3. Recordkeeping sections in the bill extend to particularly named classes of persons in the business not only of processing poultry and the products but to renderers, handlers of dead, dying, disabled, or diseased (i.e., "4-D") birds, and to those selling, buying, transporting, storing, freezing, or packaging the same in commerce.

4. Registration with the Secretary of persons in the poultry, poultry parts, or poultry products businesses, whether transporting, storing, selling, or buying, is required.

5. The distribution of "4-D" birds, parts thereof, or their carcasses in commerce is regulated.

6. The inclusion of intrastate operations within these surveillance programs is possible when it is determined that the State does not have or does not exercise authority at least equal to that of the Federal Government over records, registrations, and distribution of "4-D" poultry, its parts or carcasses. This action could be taken only after consultation with appropriate State authorities.

7. Seizure and detainer of poultry in violation of the act is authorized, though it may be located outside of federally inspected premises.

One of the more serious dangers to the consumer has been in the labeling of poultry and the lack of proper labeling. This bill would provide for standards of fill for containers, for style and size of type on the labels, for containers which are not deceptive, and for labeling limitation by States. Opportunities to deceive the consuming public would be reduced through application of uniformity to the elements in labels.

Under the bill Federal inspection may be denied to persons who, because they have been convicted of (1) a felony or more than one misdemeanor based upon the handling of food or (2) any felony involving acts of indicating the lack of integrity needed for operations affecting the public health, have proven their callous disregard for the public welfare. These convictions shall have been within the previous 10-years in any State or Federal court. Denial of such service by the Secretary is subject to administrative hearing and judicial review in like manner as such proceedings are treated under the Packers and Stockyards Act of 1921, as amended.

Protection of the Federal officers charged with enforcement of the law from personal assaults is afforded by portions of the bill.

Other changes in existing law have been made to coordinate the activities of the inspection forces of the Department of Agriculture with those of the personnel from the Food and Drug Administration of the Department of Health, Education, and Welfare for most effective use of their combined resources in protecting the consumer from unwholesome, adulterated, or misbranded poultry.

The committee did not change existing law as it applies to imported poultry, poultry parts, or products. The volume of poultry imports is very small in comparison to the total amount consumed in the United States. There was little evidence to support a change in the import provisions such as was done in 1967 Federal meat inspection legislation. No instances were cited of imported poultry which had been found to be unwholesome or injurious to the health of U.S. consumers. The committee concluded that more stringent regulation of imports, when not required might result in the enactment of measures abroad which could hamper the exportation of U.S. slaughtered poultry and poultry products, the volume of which far exceeds the imports.

The original bill, H.R. 15146 and those similar to it, included a provision to permit the movement in commerce of poultry processed under State inspection in accordance with requirements which the Secretary has determined to be at least equal to those under other sections of the bill. This particular provision, having no counterpart in the recently enacted Federal Meat Inspection Act, would have made an added distinction or difference between the authority governing the inspection and regulation of poultry and that over red meat other than those variances necessarily caused by the subject matter. The committee, to avoid unnecessary distinctions, deleted the paragraph.

STATE POULTRY INSPECTION PROGRAMS

Fewer States have adopted mandatory product inspection laws which impose ante mortem and post mortem inspection than have acted to impose such inspection of meat. Of the following 12 States which have State laws, only four report active inspection programs:

California	Missouri
Delaware	New Jersey
Florida	New Mexico
Illinois	North Carolina
Indiana	Tennessee
Iowa	Wyoming

Four of these States presently report active inspection programs, California, North Carolina, Illinois, and Wyoming. There has been some activity in the Iowa and New Jersey programs. Virginia and Wisconsin will have mandatory programs when they become effective next year. The programs in California, North Carolina, and Illinois are under veterinary technical supervision but the extent of coverage is not the same as that provided under Federal inspection. While the inspection programs for these States provide for the inspection of each individual carcass, there is evidence that this provision is not always applied due to the limited amount of supervision and inspection personnel.

Some States have laws which provide for poultry inspection on a voluntary basis but available information indicates that the total number of plants using these voluntary inspection programs would probably be less than half a dozen. The States with voluntary programs are: Kansas, Pennsylvania, Mississippi, Oregon, and Oklahoma.

Most all States have sanitary inspection programs which are generally carried on under general sanitary laws or food and drug laws covering all food processing and food preparation establishments. The frequency and thoroughness of sanitary inspections depends upon the resources available for such inspections. These programs provide for sanitary inspection of facilities, equipment, and processes, and prohibit the adulteration and misbranding of products. The States having other types of laws such as general food and health laws, and so forth, are:

Alabama	Nebraska
Alaska	Nevada
Arizona	New Hampshire
Arkansas	New York
Colorado	North Dakota
Connecticut	Ohio
Georgia	Rhode Island
Hawaii	South Carolina
Idaho	South Dakota
Kentucky	Texas
Louisiana	Utah
Maine	Vermont
Maryland	Virginia
Massachusetts	Washington
Michigan	West Virginia
Minnesota	Wisconsin
Montana	

FEDERAL-STATE COOPERATION TO DATE

The Poultry Products Inspection Act was passed in 1957 but did not become fully effective until 1959. Prior to 1959 Federal poultry inspection programs were on a voluntary fee basis. Beginning about 1950 an interest developed on the part of some State departments of agriculture to engage in cooperative Federal-State ventures for providing poultry inspection on a voluntary basis and meetings were held with representatives of several States to develop such programs.

On April 3, 1952, the first cooperative agreement to provide Federal-State poultry inspection on a voluntary basis was signed with the Maine Department of Agriculture. The agreement was pursuant to the Agricultural Marketing Act of 1946 and provided service for six plants between 1952 and 1958. State officials billed the processing plants for the costs of the service and handled the hiring, payroll, and assignment of inspectors. After the Inspection Act was passed, a new agreement was signed on May 19, 1958, to continue the cooperative arrangement in Maine pursuant to the new act. Funds to cover the costs of State employed inspectors plus an overhead allowance to cover the the State's administrative costs are provided by the Federal Government.

In 1956 a similar agreement was made with North Dakota to provide a Federal-State voluntary poultry inspection program for that State.

In addition to the two cooperative agreements now in effect, there has been informal cooperation with State inspection organizations in many instances. Department inspection personnel have helped train State inspectors in North Carolina, Georgia, Illinois, and California. Assistance has been given to interested States in drafting proposed legislation and regulations. In this connection, a suggested model State poultry inspection law has been developed for the use of State officials.

Close working relationships exist between the Federal inspection service and poultry disease eradication authorities in both Federal and State Departments of Agriculture laboratories.

There is no present duplication of inspection functions of any consequence. Poultry plants that process for sale in interstate commerce must have Federal inspection, and plants that process solely for intrastate sale are not eligible for Federal inspection under existing law. In the four States having a mandatory inspection system in operation, their respective laws exempt processing plants that have Federal inspection from the provisions of the State law.

There appears to be a definite need to improve the State inspection programs. The approach followed by the committee is to establish a cooperative Federal-State system providing mandatory inspection. This will require poultry to be handled under the same high standards imposed on meat. The bill would place intrastate plants under supervision. A uniform application of standards of wholesomeness and sanitation could be imposed in every plant every day. No duplication between Federal and State operations should develop. At the same time, the States will retain their jurisdiction over intrastate commerce.

SUMMARY OF PRINCIPAL PROVISIONS

1. H.R. 16363 would amend the Poultry Products Inspection Act in a number of respects and it would be cited as the "Wholesome Poultry Products Act". The PPIA, as amended, would in summary by succeeding sections thereafter:

2. Find that unwholesome or adulterated poultry substantially affects commerce and that regulation by cooperation with the States is appropriate to regulate such commerce and protect the consumer.

3. Declare the policy of Congress to be provision for regulation preventing the sale of poultry products which are misbranded.

4. Define terms to conform to the Federal Meat Inspection Act.

5. Provide authority for Federal-State cooperation as in title III of the Federal Meat Inspection Act through technical and planning assistance, cooperation between agencies, and grants of up to 50 percent of the cost of establishing State programs.

6. Make poultry products "capable of use as human food" subject to ante mortem and post mortem inspection, and provides for condemnation of unwholesome or adulterated carcasses, parts of products.

7. Require sanitation facilities and practices in plants which will prevent movement in commerce of unwholesome or adulterated poultry.

8. Clarify the authority of the Secretary in the matter of labeling and conform the act with the Federal Meat Inspection Act.

9. Prohibit the slaughter of poultry, the preparation of the products labeling, sale, transport, or receipt of the same when capable of use as human food except in compliance with the act.
10. Prohibit establishments subject to the act from processing any poultry except in compliance with the act.
11. Establish record requirements comparable to those under the Federal Meat Inspection Act.
12. Adopt penalties like those in the Federal Meat Inspection Act.
13. Provide notice of alleged violations and opportunity for hearing prior to institution of criminal proceedings.
14. Permit the Secretary to issue regulations for the handling, storing, transporting, and freezing of poultry capable of use as human food.
15. Establish certain exemptions from the act for farmers, retailers, and certain small processors.
16. Clarify the authority of the Secretary to limit the entry of materials into processing plants.
17. Continue the regulation of imports as in the existing law.
18. After hearing, and subject to review by the court, permit the Secretary to deny inspection to persons convicted of crimes in connection with food or indicating lack of integrity in matters affecting public health.
19. Authorize the Secretary's seizure and detention for up to 20 days of poultry, poultry products, or "4-D" poultry subject to the act if there is reason to believe that the articles are adulterated or misbranded or distributed in violation of the act.
20. Provide for seizure under court order of articles being transported in commerce if they are capable of use as human food and are adulterated, misbranded, or otherwise in violation of the act.
21. Set forth the courts which have jurisdiction to enjoin violations of the act.
22. Incorporate by reference certain provisions of the Federal Trade Commission Act and the Communications Act of 1934 relating to subpoenas, reports, penalties, and confidential nature of information.
23. Provide for separation of authority between State and Federal Governments regarding the inspection of poultry and poultry products. States would be prohibited from regulating federally inspected plants. State recordkeeping and related requirements would have to be in consonance with this act. States could not impose marking, packaging, labeling, or other requirements in addition to or different from Federal requirements.
24. Continue the exemption of poultry from the Food Drugs and Cosmetic Act to the extent of this act but allow detention of poultry, carcasses, and parts or products thereof by representatives of the Health, Education and Welfare Department for enforcement of this act.
25. Require the cost of inspection to be borne by the United States with reimbursement by the establishments of overtime and holiday work.
26. Provide for annual appropriation of sums to carry out the act.
27. Require annual reports to the appropriate committees of Congress on the execution, operations under, and the effectiveness of the act.
28. Provide for separability of provisions in the event of constitutional invalidity of parts.

29. Establish the effective date of the act.

HEARINGS

Public hearings were held by the Livestock and Grains Subcommittee on H.R. 14594 by Mr. Bennett, H.R. 14741, by Mr. Morton, H.R. 14782, by Mr. Roth, H.R. 15146, by Mr. Purcell, Mr. Dow, Mr. Smith of Iowa and Mr. Foley, H.R. 15149, by Mrs. Sullivan, H.R. 15154, by Mr. Poage, H.R. 15361, by Mr. Vigorito, H.R. 15484, by Mr. Corman, and H.R. 15504, by Mr. Kupferman, on February 19, 20, 21, and 22, 1968. The subcommittee heard testimony from consumer groups, poultry industry representatives, producer organizations, State and Federal officials, and Members of Congress.

SUBCOMMITTEE ACTION

The subcommittee approved H.R. 15146 with amendments which (a) inserted the word "mandatory" as descriptive of the type of State poultry product inspection law considered at least equal to those under the act, (b) required the Secretary to annually report to Congress on the operation and effectiveness of the act, (c) deleted a provision allowing products processed in qualified State-inspected plants to move in commerce, (d) clarified labeling of poultry and containers of poultry, (e) limited the time and scope of recordkeeping, (f) exempted from the provisions of the act certain poultry not in commerce, (g) continued the regulation of imports under existing law, and (h) made technical corrections.

COMMITTEE AMENDMENTS

The committee narrowed the exemption of producers and processors of less than \$15,000 of poultry per calendar year by a proviso limiting it to persons selling poultry or products which are not unsound, unhealthful, unclean, and unfit for human food. A new exemption was added by the committee to authorize the Secretary to further exempt by regulation small enterprises coming within the act only through section 5c from such provisions as are appropriate and to thereafter revoke such exemption when and if the public interests require for upon noncompliance.

COST

Departmental witnesses stated during the hearings that the estimated additional Federal costs of this legislation would be \$5 million for the first full year of operation and that such costs would be about \$10 million annually when all 50 States were cooperating assuming the States pay 50 percent of the total cost of their inspection programs. The Department furnished the committee with the following information:

ESTIMATE OF COOPERATING STATE PROGRAMS, FISCAL YEARS 1969 AND 1970

To determine the exact amount of participation by individual States, logical conclusions can be drawn from the following knowledge.

Currently there are 12 States having mandatory inspection laws. Five other States have become interested to the extent that voluntary

programs are authorized. There are two additional States that have announced the intention of proposing mandatory legislation within a 1-year period. In addition, there are five States which have a volume of uninspected poultry of more than 12 pounds per capita. Cost assumptions of \$5 million for fiscal year 1969 are based upon all of these 24 States becoming active in their programs. Our assumption is that the nine States most active at the current time will come under immediately and the five additional States will come under each quarter during the year thereafter. It has been further assumed that the additional Federal staffing necessary (see attached table—exhibit No. 1) would be fully accomplished in fiscal year 1969.

For fiscal year 1970 an assumption has been made that the remaining States will all come under the cooperative program. It is difficult to determine those States which will institute programs. However, it is believed that consumer pressures brought about by the activities of the 24 States mentioned above will be a great inducement to all other States. Further, it is expected that the Federal contribution of 50 percent of cost will make practical budgetary items for the State programs. The full Federal cost, assuming full State participation (see attached table—exhibit No. 2), would be \$10 million per annum. To the extent that our assumption is incorrect, Federal cost will increase and could possibly double.

EXHIBIT NO. 1
ADDITIONAL FEDERAL STAFFING AND COSTS BY LOCATION INCLUDING FRINGE BENEFITS AND TRAVEL

	GS-13		GS-12		GS-9		GS-5		GS-4		Total		Tech. travel 20 percent 12's and		Grand total	
	Number	Cost	Number	Cost	Number	Cost	Number	Cost	Number	Cost	Number	Cost			Number	Cost
Washington:																
Inspection branch.....	4	65,820					2	13,565			6	79,385	13,165		6	92,550
Technical analysis.....					1	9,815					1	9,815			1	9,815
Administrative group.....			1	13,965							1	13,965	2,795		1	16,760
Subtotal.....	4	65,820	1	13,965	1	9,815	2	13,565			8	103,165	15,960		8	119,125
Field:																
Atlanta.....	4	65,820					1	6,780	1	6,085	6	78,685	13,165		6	91,850
Philadelphia.....	4	65,820					1	6,780	1	6,085	6	78,685	13,165		6	91,850
Dallas.....	4	65,820					1	6,780	1	6,085	6	78,685	13,165		6	91,850
Des Moines.....	4	65,820					1	6,780	1	6,085	5	62,230	9,875		5	72,105
San Francisco.....	3	49,365														
Subtotal.....	19	321,645					5	33,900	5	30,425	29	376,970	62,535		29	439,505
Total.....	23	378,465	1	13,965	2	9,815	7	47,465	5	30,425	36	480,135	78,495		37	558,630

Note.—Computed at the 5th step in grade; assuming all plants will participate.

Source: Poultry Division records, January 1968.

EXHIBIT NO. 2

NUMBER OF INSPECTORS AND COSTS IF (1) FEDERAL INSPECTION IS EXTENDED TO ALL PLANTS, (2) ALL STATES PARTICIPATE (STATE-FEDERAL)

Number of noninspected plants	Man-years	Inspection in-plant costs	Above plant-O/H costs	Total costs without State participation	Total costs with full State participation
(1)	(2)	(3)	(4)	(5)	(6)
2,006	¹ 1,420 $\frac{3}{4}$	² \$14,905,395	\$2,981,080	\$17,886,475	³ \$8,943,280

¹ Rounded, 1,421.

² Col. 3, in-plant cost, includes relief and in-plant travel.

³ Col. 6 total is $\frac{1}{2}$ of col. 5 rounded to nearest \$5.

Source: Poultry Division records, January 1968.

CONSTRUCTION AND INTENT

The Subcommittee on Livestock and Grains and the full committee were confronted with many proposed amendments and suggestions during its hearings. When deliberations began the alternatives were discussed and considered at some length. The references made here reflect the scope of the discussion and declare the intent of certain provisions of the bill.

Variance from the pattern set by the Federal Meat Inspection Act was considered as fraught with possible problems in compliance on the part of the industry. The decision was made to adhere, insofar as the subject permitted, as closely to the newly enacted meat legislation as possible. In light of this limited experience by the Department of implementation of the new Meat Act, a provision to permit poultry products from plants under State inspection to move in commerce was deleted. With any such distinction between meat and poultry, unnecessary complications would probably arise in the operation of one or both acts. Further, the markedly few States which have mandatory poultry inspection laws being effectively enforced made it seem that postponement of such action was the wiser choice. Finally, the addition of still a different type and mode of inspection appeared to but add confusion to the consumer's problems of selection in the market. It was the subcommittee's intent to place first priority on assistance to the States in the establishment of effective inspection systems since only four now have effective ones.

As in the case of the Federal Meat Inspection Act, the committee intends funds be distributed in a nondiscriminatory manner, with no variations in percentage of State costs paid by the Federal Government.

It is intended under this legislation, as under the Wholesome Meat Act (Public Law 90-201), that the Federal and State funds shall be appropriated general revenue funds and that "user" fees or taxes will not be imposed as part of the Federal or State programs. The purpose is to provide the consumers with the protection they are entitled to without the unwarranted burdens of having to indirectly pay "users" fees or taxes. It is not intended, however, to preclude cooperation with State programs having as part thereof a licensing system where there is imposed a nominal annual license fee, e.g., not exceeding \$100. It is recognized that some States may have as part of their inspection program an established system of fees in excess of this amount required under their laws and it is reasonable that under such circum-

stances they may be afforded the cooperative assistance provided for herein to develop a system "at least equal to" the Federal system pending the next meeting of their legislative body when such fees can and should be eliminated.

A question was raised in the committee concerning the applicability of H.R. 16363 to manufacturers of livestock and poultry feeds who utilize processed poultry byproducts as a source of valuable nutrients in the production of feeds. These processed poultry byproducts are defined in the official publication of the Association of American Feed Control Officials and include such items as poultry byproduct meal and hydrolyzed poultry feathers. To the extent that these processed byproducts are not used and are not suitable for use as human food, their acquisition or use in the manufacture of livestock and poultry feeds in no way presents any problems with respect to the effective regulation of our poultry meat supply as contemplated by this bill. It is the intent of the committee that nothing in this bill be construed as having any applicability to manufacturers of livestock and poultry feeds with respect to their activities of acquiring or using processed poultry byproducts in the manufacture of feeds.

Key requirements of the Federal poultry products inspection program are the ante mortem inspection of birds and the post mortem inspection of carcasses and parts at the time of slaughter, either by a veterinarian or under the active supervision of a veterinarian. Under the provisions of section 5 of the bill, a State must impose "ante mortem and post mortem inspection, reinspection, and sanitation requirements that are at least equal to those under this act," thus insuring that such inspections under a State inspection system must be equal to the Federal requirements if the State system is to be in compliance with the proposed legislation. The purpose of ante mortem inspection is to eliminate obviously diseased and unfit birds and to provide for special handling of those that may be suspect. The post mortem inspection is to assure the elimination of meat that is unwholesome because of disease or other conditions.

The intent of the subcommittee was to clarify by the inclusion in the bill of the word "mandatory" by amendment immediately before the words "State poultry product inspection law" in section 5(a)(1) on line 20. Some latitude and variation in degree and scope of examination of birds is expected because of the vastly different nature of fowls as compared to animals in the Federal Meat Inspection Act.

Section 15 of the present Poultry Products Inspection Act which applies only to interstate and foreign commerce, contains several exemptions. In brief these apply to: (a) poultry producers selling poultry of their own raising directly to consumers, restaurants, hotels or boardinghouses, (b) retail dealers under prescribed conditions, and (c) approved religious slaughter. In addition the Secretary may suspend or terminate any of these exemptions as they apply to any person.

H.R. 16163 would apply, for the first time either Federal or cooperative Federal-State jurisdiction to intrastate poultry operations. Realizing that this change alone will substantially enlarge the responsibility of the Department of Agriculture, the committee carefully considered and approved a number of changes in the existing exemption provisions of the act. These changes are as follows:

(1) The poultry producer exemption in section 15(a)(1) of existing law permitting the interstate sale of poultry of such producers' own

raising to consumers, restaurants, hotels, or boardinghouses would be repealed.

(2) The Secretary would be given authority to grant exemption through January 1, 1970, in cases where it would be impracticable to provide inspection.

(3) The Secretary would be authorized to exempt from inspection the slaughter of poultry and processing of poultry products in any unorganized territory solely for distribution therein when he finds it would be impracticable to provide such inspection due to a lack of funds.

(4) There would be specific statutory exemption (which is not conditioned on any determination or finding by the Secretary) which provides that the provisions of the act shall not apply to poultry producers with respect to poultry of their own raising on their own farms, provided four conditions are met: (1) that the wholesale dressed value of such poultry which they slaughter on said farms does not exceed \$15,000 during the current calendar year, (2) they do not engage in buying or selling poultry products other than those produced from poultry raised on their own farms, (3) none of such poultry moves in interstate or foreign commerce, and (4) they do not engage in selling dressed poultry or poultry products which are not fit for human food.

(5) There would also be a specific statutory exemption which applies to—

(a) Any person who slaughters, processes or sells poultry provided three conditions are met: (1) the wholesale dressed value of which does not exceed \$15,000 during the current calendar year, (2) none of such poultry moves in commerce, and (3) such persons do not engage in selling dressed poultry or poultry products which are not fit for human food; nor

(b) slaughtering by any person of poultry of his own raising, and the processing by him and transportation in commerce of the poultry products exclusively for use by him and members of his household and his nonpaying guests and employees; and

(c) the custom slaughter by any person of poultry delivered by the owner thereof for such slaughter, and processing of such poultry by such slaughterer, and transportation in commerce of the poultry products exclusively for use in the household of such owner, by him, members of his household and his nonpaying guests and employees. Such custom slaughterers may not however engage in the business of buying or selling poultry products capable of use as human food if they are to qualify for such exemption.

(6) The Secretary would also be required under specified criteria to provide by regulation for further exemptions for the operation and products of small enterprises (including poultry producers) engaged, solely for intrastate commerce, in slaughtering, and/or cutting up poultry for distribution as carcasses or parts thereof. The revocation of such further exemptions for stated causes is also specifically authorized.

(7) The application of the adulteration and misbranding provisions would be limited insofar as concerns articles exempted or excluded from the inspection requirements.

The retail exemption in section 15(a)(2) of present law would not be changed.

The religious exemption in section 15(a)(4) of present law also would not be changed.

Under this legislation there would then be nine distinct exemptions either subject to the Secretary's discretion or specific statutory exclusion as follows:

- (1) Secretary for "impracticable" circumstances until January 1, 1970;
- (2) Secretary in unorganized territories due to lack of funds;
- (3) Statutory for certain poultry producers;
- (4) Statutory for certain small processors;
- (5) Statutory for persons slaughtering poultry for own use;
- (6) Statutory for custom slaughterers;
- (7) Secretary for further exemption of certain small enterprises;
- (8) Secretary for retail establishments; and
- (9) Secretary for religious purposes.

The committee has provided for these particular exemptions for two basic reasons. The first is that the broadening of the scope of the act to include activities in intrastate commerce clearly affects many thousands of poultry farmers and small enterprises not subject to prior regulations.

The committee recognizing poultry by nature as being attractive to many persons seeking additional sources of income from collateral endeavors, felt that production of a limited amount, on some basis less than commercial, should not be regulated by the act.

The committee does not wish to put out of business or to impose Federal regulations on small poultry farmers and processors who are marketing wholesome poultry products.

The second reason is that the committee does not want to burden the U.S. Department of Agriculture with the onerous and difficult tasks of attempting to police the slaughter of every farm chicken in the Nation. The committee fears that an attempt to stretch the inspection program too far might impair its overall effectiveness in the areas where the overwhelming bulk of poultry is processed. These exemptions therefore are designed to enhance the administrative effectiveness of the Department while avoiding unnecessary regulation. Of course, if any person violates the conditions of the exemptions provided in H.R. 16165, the Secretary would be empowered to take appropriate action for the protection of consumers.

The newness of this bill and the Federal Meat Inspection Act, and the importance of both to the public and to the Congress prompted the addition in committee of requirements for annual reports to the appropriate committees of Congress. Further, the subcommittee intends that annual reports include the status of each of the various States in inspection establishment and enforcement.

Recordkeeping is intended to be no more onerous than necessary for effective protection of the public and enforcement of the act. It is to be simple but revealing. To avoid voluminous collections the committee limited the time period persons shall be required to retain such information to 2 years with the Secretary having the authority to extend it in specific individual cases.

The committee reaffirms its request that annual reports referred to Congress be submitted not later than April 1 of each year to provide Members time during the session to consider the Secretary's recom-

mendations. The committee expects that the possible opportunities for the administrative consolidation of meat and poultry inspection services within the Department, and the savings which might reasonably accrue therefrom, will be included in such reports at the earliest possible time.

ADMINISTRATION POSITION

Officials of the U.S. Department of Agriculture appeared before the subcommittee during the hearings and testified in favor of H.R. 15146 and discussed other bills being considered. These bills were the basis for H.R. 16363 which superseded them. The Department's statement is as follows:

STATEMENT OF DR. GEORGE L. MEHREN, ASSISTANT SECRETARY;
ACCOMPANIED BY DR. ROBERT K. SOMERS, DEPUTY ADMINISTRATOR,
CONSUMER PROTECTION, CONSUMER AND MARKETING SERVICE;
AND CHARLES W. BUCY, ASSISTANT GENERAL COUNSEL, U.S.
DEPARTMENT OF AGRICULTURE

Mr. Chairman and members of the subcommittee, I have here with me Mr. Charles W. Bucy, who is Assistant General Counsel, and Dr. Robert K. Somers, Deputy Administrator, Consumer Protection, Consumer and Marketing Service.

I am here today to urge favorable action by this committee on H.R. 15146, a proposal to amend the Poultry Products Inspection Act. This bill is similar to the Wholesome Meat Act which was recently approved by the Congress, and became law on December 15, 1967. It has the full support of this Department.

This and other proposals are designed to strengthen the ability of Federal and State Governments to protect the Nation's consumers * * * and to provide an environment where the poultry processing industry will continue to flourish, and the poultry producer will have a strong market for healthy birds. Poultry processing today is an industry with nearly \$3 billion in annual gross sales * * * and, in turn, it provides nearly \$2 billion a year to American farmers.

The availability of these markets for American poultry—the prosperity and potential for the American food industry—are all built on one primary foundation—the continued confidence of the consumer in the integrity of our poultry supply.

Thus, we must make every effort to assure that the poultry that the consumer buys for her family is safe and wholesome. This guarantee today is generally taken for granted. We believe, however, that the poultry inspection program must be strengthened.

Eleven years ago Congress passed legislation establishing a Federal inspection system for poultry and poultry products processed by plants shipping in interstate and foreign commerce and in designated "major consuming areas." This legislation is known as the Poultry Products Inspection Act. The inspection system developed under that act is a good one. It has served us well. It has come to be recognized as a model for the world. It is a system which warrants the confidence of the consumer, because it assures that birds or poultry products carrying its mark are wholesome, unadulterated, and honestly labeled.

Yet, this legislation does not provide complete assurance that consumers have access to wholesome poultry because not all poultry sold is inspected adequately, or at all.

The proposed bill would not replace the Poultry Products Inspection Act but would amend it to:

Authorize cooperative arrangements with State and local authorities, through which the Federal Government could help develop trained staffs and provide financial assistance to encourage effective State poultry inspection programs under State administration or in cooperation with the Federal Government. The States would have 2 years to implement a poultry inspection system at least equal to the Federal program. An additional year to implement the program would be granted if the Secretary had reason to believe that the State would activate the requirements within this time.

Provide after specified procedures for the extension of the Federal inspection and other requirements to intrastate activities after the specified periods if the States are not enforcing requirements at least equal to the Federal requirements.

Provide under specified conditions for the application of the Federal requirements at any time to particular establishments processing poultry products solely for intrastate commerce if they produce adulterated products which clearly endanger the public health.

Permit poultry processed under State inspection systems which are at least equal to the Federal program to be shipped in interstate commerce with a combined State-Federal official inspection legend.

The Poultry Products Inspection Act requires Federal inspection of all plants shipping poultry or poultry products in interstate or foreign commerce or in designated major consuming areas. About 87 percent of the poultry sold off farms is inspected under the act. The remaining 13 percent is prepared by plants shipping solely within a State. This amounts to over 1.6 billion pounds of poultry slaughtered without Federal inspection.

The provision for the designation of major consumer areas—a provision which was intended to provide inspection to certain intrastate operators has been ineffective. Since passage of the law, no areas have been designated. Several problems are involved: (1) the Secretary may not himself initiate action for designation but such action must be originated by a State or a local official or an agency or a local industry group in such an area, and (2) the Secretary must find that the volume of noninspected poultry and poultry products is such as to burden the movement of inspected poultry products in "commerce," as defined in the act.

We had two "near misses" in requests for designation of an area. A request was made to designate the entire State of Georgia but since the act did not contemplate this type of designation, the request was subsequently withdrawn. A request was made to designate the city of St. Louis as a major consuming area on the basis that noninspected poultry was obstructing the movement of inspected poultry in interstate commerce. Newspaper publicity on the request resulted in a "drying up" of noninspected poultry in the St. Louis area.

While there are now 12 States with mandatory inspection laws, only four States have active programs. Most poultry moving in intrastate commerce receives little or no inspection. Yet there is always the possibility that this product is intermingled in retail stores with federally inspected products for sale to the public. Even in the States with active inspection programs, the type of coverage is not the same as that provided under Federal inspection. For example, in California the inspectors are plant employees licensed by State officials to inspect poul-

try. In some instances plant managers are licensed. In some cases plants receive veterinary supervision only once a week or even less frequently. In North Carolina, the inspectors are State employees under veterinary supervision. The North Carolina law covers intercounty shipments. Non-Federal plants in the State shipping across county lines must have North Carolina inspection.

Five States provide for poultry inspection on a voluntary basis but information available to us indicates that very little use is made of this service. Most of the remaining 33 States have general food laws covering all food processing and food preparation establishments. These laws provide for the sanitary inspection of facilities, equipment, and processes, and prohibit the adulteration and misbranding of products. With respect to poultry, they do not provide for continuous inspection and post mortem examination of each poultry carcass—the basic foundation for poultry inspection protection.

The effectiveness of State programs depends upon the resources available to carry out these programs. Recently, a number of States have taken action to initiate inspection programs or improve existing programs. In the past several years about a half dozen States have passed new poultry legislation; two additional States will have mandatory inspection legislation within the next 12 months and about eight States are considering legislation.

These efforts of the States to insure the wholesomeness of poultry products must receive the cooperation and assistance of the Federal Government if this Nation is to achieve adequate overall protection of the consumer—the immediate benefit of greater prosperity for the industry and the consumer. Without a coordinated network of Federal and State inspection programs, the health, of the consumer cannot be protected adequately, nor will continued confidence in our poultry supply be assured or merited.

In order to prevent the movement in commerce of unwholesome or otherwise adulterated poultry, the amendments to the act would provide authority for surveillance over specified types of collateral operations where adulteration of our poultry supply could occur—operations such as cold storage warehouses, jobbers, wholesalers, and others. Also included under surveillance programs would be dealers in adulterated poultry capable of, but not intended for, use as human food.

The amendments would:

Authorize regulation of storage and handling of poultry products by those engaged in the freezing, storing or distributing of poultry products in or for commerce, or importing poultry products.

Clarify the application of the inspection provisions to poultry and poultry products capable of use as human food and requiring denaturing or adequate identification of poultry carcasses or parts or products thereof for distribution in commerce for purposes other than use as human food.

Require recordkeeping requirements for persons engaged in the business of processing poultry products for human or animal food, renderers, handlers of dead, dying, diseased or disabled poultry, and others engaged in the business of buying, selling, transporting, storing, freezing or packaging poultry products in or for commerce or importing poultry products.

Require persons engaged in business—in or for commerce—such as poultry products brokers, renderers, animal food manufacturers,

wholesalers, and public warehousemen, as well as persons engaged in buying, selling, or transporting in commerce, or importing dead, dying, disabled or diseased poultry or poultry products to be registered with the Secretary, when required by his regulations.

Authorize regulation of the distribution in commerce or the importation of dead, dying, disabled, or diseased poultry and parts of their carcasses.

Provide authority over the classes of operators described above who do not engage in business in or for commerce, when it is determined after consultations with an appropriate State advisory committee that the State does not have or is not exercising at least equal authority with respect to records, registration and distribution of dead, dying, disabled, and diseased poultry and parts of their carcasses.

Provide authority for USDA to seize or detain poultry or poultry products in violation of the act when such products are in transit or in storage outside of federally inspected establishments.

There has been a need for some time for more adequate tools of enforcement to checkmate the occasional unscrupulous operator who seeks to pollute the Nation's poultry supply with unwholesome or otherwise adulterated products. There is a potential—in the absence of more positive preventive measures—for dealers of unwholesome and adulterated poultry, renderers, animal food handlers, and others to divert unfit poultry into human food channels. The result could pose a public health hazard and destroy the confidence of consumers in the safety of our poultry supply.

As of now, we do not even have the authority to seize or detain poultry which we know is unfit for human consumption when it is outside of a federally inspected plant. USDA inspectors have no authority to intercept parcels of unwholesome or suspected products in transit or in storage. Their only recourse is to prevail upon State, local, or other Federal agencies to impound or seize goods outside of federally inspected plants. Surveillance over the collateral-type operations such as cold storage warehouses, wholesalers, jobbers, and so forth, is necessary to detect adulteration caused by mishandling, exposure to heat, inadequate freezing, adulteration by water or other substances, damage in transit, or other causes.

The additional authority to inspect poultry and poultry products outside of federally inspected plants and the authority to seize or detain such products which are found to be adulterated would reduce the possibility of consumers receiving unfit poultry to a minimum.

Under the proposal the Secretary would be given expanded authority to insure the proper labeling of poultry and poultry products and prevent the misbranding of such products.

The amendments would provide for:

Authority to prescribe the style and type used for required labeling.
Standards of fill for containers.

Regulation to prevent the use of deceptive containers.

States would be precluded from imposing additional or different labeling or packing or ingredient requirements for federally inspected products.

Both industry and consumers would benefit from these changes—greater uniformity of labeling requirements—elimination of opportunities for fraud and deceit—as a result these proposals—would greatly enhance the marketing of poultry and poultry products.

The bill authorizes denial of applications for Federal inspection to persons who, by their past actions, have demonstrated that they are unfit to engage in a business requiring a high degree of public responsibility. Such persons would include those convicted in any Federal or State court within the previous 10 years of (1) any felony or more than one misdemeanor under any law based upon the handling or distributing of adulterated, mislabeled, or deceptively packaged food, or fraud in connection with transactions in food, or (2) any felony, involving fraud, bribery, extortion, or any other act or circumstances indicating a lack of integrity needed for the conduct of operations affecting the public health. The Secretary would have the authority to deny inspection to such persons. However, provisions would be included for administrative hearings and judicial review to protect the rights of the affected persons.

The bill would make other changes of a housekeeping nature, and enhance coordination between the USDA's Consumer and Marketing Service and the Food and Drug Administration of the U.S. Department of Health, Education, and Welfare in making full, cooperative use of their respective powers to protect the consumer.

The bill would provide for punishment of anyone who assaults an inspector while in the performance of official duties. This is necessary to carry out an efficient inspection program. Inspectors must not have their safety placed in jeopardy.

Before I summarize the provisions I will take a moment to acquaint you with a recent study of inspected and noninspected poultry.

In January, poultry inspection personnel visited retail outlets to make carcass examinations of inspected and noninspected poultry. The study of inspected poultry was made in 34 stores in 16 States. There were 470 samples examined consisting of 447 whole poultry carcasses and 23 tray-packed carcasses displayed in cutup form. The primary inspection responsibility is to remove from food channels all carcasses or parts of a carcass which are unwholesome. The errors noted on the federally inspected product concerned ready-to-cook factors rather than errors which would render the carcass unwholesome. For example, feathers on a hock or a heart missing from the giblet pack would be recorded as an error in ready-to-cook factors. This would not affect the wholesomeness of the product to the point of being dangerous to the consumer's health. There were no lesions of disease observed. On the other hand, 316 samples of noninspected carcasses were examined in 37 outlets in the same 16 States where inspected poultry was checked. The samples consisted of 286 whole poultry carcasses and 20 tray-packed carcasses in cutup form. Only 18 percent of the noninspected carcasses appeared satisfactory following gross examination. One out of five should have been condemned as unwholesome. Errors found in the noninspected product but not in the inspected product were gross lesions of disease, septicemia, or toxemia which is symptomatic of disease, failure to remove infectious processes, and contamination of the body cavity with stomach contents or fecal material. Laboratory analyses conducted on both federally inspected and nonfederally inspected products revealed a higher level of bacterial contamination on nonfederally inspected products than on federally inspected products.

In summation, the original Poultry Products Inspection Act requires amendments to effectively regulate the modern, aggressive industry as we know it today and envision it in the future. The role of

the States is not sufficiently recognized in the existing legislation to encourage their effective contributions to a viable network of coordinated programs. Strengthening of the national poultry inspection program is urgently needed.

The consumer must be able to buy her poultry products with confidence in their wholesomeness. More important, they must in fact be wholesome and honestly packed and labeled. The prosperity of the poultry processing industry and our Nation's poultry producers is greatly dependent upon this confidence being maintained and supported by effective regulation and inspection of the production of all poultry products to prevent adulteration and misbranding.

Our responsibility, therefore, is to insure that both Federal and State Governments are provided with the necessary tools and resources to fulfill their responsibilities to protect the consumer in the manner she expects and demands. The proposals before this committee will accomplish this purpose.

My colleagues and I will be happy to respond to any questions you have.

SECTION-BY-SECTION ANALYSIS

Section 1.—This section entitles the bill as the Wholesome Poultry Products Act.

Section 2.—Section 2 amends the legislative finding now in section 2 of the Poultry Products Inspection Act (PPIA) to conform more closely to that in the Federal Meat Inspection Act (FMIA), including language to support the provisions of the bill which affect intrastate commerce.

Section 3.—Section 3 amends the policy statement in section 3 of the act to coordinate it with other amendments made by the bill, e.g., to refer to misbranded poultry products and delete reference to designated major consuming areas.

Section 4.—Section 4 amends section 4 of the act to revise the definitions of "commerce," "Secretary," "poultry," "poultry product," "adulterated," "inspector," "label," and other terms; to delete the definitions of "official inspection mark," "wholesome," and "unwholesome"; and to add numerous new definitions including definitions of "official mark," "official inspection legend," "processed," and "misbranded." The amended or new definitions of terms conform closely to the definitions of those terms in the FMIA.

(a) In the present act "commerce" means commerce between any State (including the Commonwealth of Puerto Rico and the Virgin Islands) or the District of Columbia and any place outside thereof; or between points within the same State or the District of Columbia but through any place outside thereof; or within the District of Columbia. The bill defines "commerce" to mean commerce between any State, any territory (i.e., any territory or possession of the United States, excluding the Canal Zone), or the District of Columbia and any place outside thereof; or within any unorganized territory or the District of Columbia.

(b) A definition of "State" (including the Commonwealth of Puerto Rico) is added.

(c) A definition of "territory" (including any territory or possession of the United States, excluding the Canal Zone) is added.

(d) A definition of "United States" is added. It covers all the States and territories and the District of Columbia. The legislative

history of the present act indicates that the term now covers only those areas included in the definition of "United States" in 19 U.S.C. 1401, which formerly applied for purposes of the import meat provisions of section 306 of the Tariff Act of 1930 (19 U.S.C. 1306), repealed by the Wholesome Meat Act (Public Law 90-201).

(e) The definition of "poultry" is extended to include domesticated birds that died otherwise than by slaughter.

(f) The definition of "poultry product" is clarified and extended to include New York dressed poultry so as to make applicable thereto provisions of the act relating to poultry products. The definition, insofar as it relates to articles made from poultry carcasses or parts thereof, conforms to the definition of meat food products in the FMIA, although it does not include the phrase "capable of use as human food." The quoted phrase is added as appropriate elsewhere in the act.

(g) The definition of "adulterated" is amended to conform to that in the FMIA with a nonsubstantive change in the proviso in subparagraph (g)(2) and with other changes necessary to make it applicable to poultry products. A paragraph relating to margarine is omitted as not applicable to poultry.

(h) The definition of "misbranded" is like that in the FMIA except for changes needed to make it apply to poultry products and except as follows:

Subparagraph (5) requires a label showing specified information whether the article is in a container or not; and authority would be given to the Secretary to exempt articles not in containers from labeling as to quantity.

In subparagraph (12), the official establishment number is specifically required (as well as the official inspection legend and such other information as the Secretary may prescribe under specified criteria). These items are required to appear on the containers of any poultry product, and directly on the product itself in the case of non-consumer packaged carcasses, as prescribed by regulations of the Secretary.

(i) "Secretary" is redefined to include the delegates of the Secretary in accord with Reorganization Plan No. 2 of 1953.

(j) Only a grammatical change is made in the definition of "person."

(k) The definition of "inspector" is changed to include reference to employees or officials of a territory or the District of Columbia, as well as of a State, or the United States.

(l) The term "official mark" is added. It is a broader term than "official inspection legend."

(m) The term "official inspection legend" is substituted for "official inspection mark" in conformity with the FMIA.

(n) and (o) The terms "official certificate" and "official device" are added to conform to the FMIA.

(p) and (q) There is no change in the definition of "official establishment" or "inspection service."

(r) Only a grammatical change is made in the definition of "container" or "package."

(s) "Label" is redefined and a definition of "labeling" is added in conformity with the FMIA. However, the term "label" is changed to include written, printed, or graphic matter upon any article as well as such matter upon the immediate container.

(*t*) and (*u*) No change is made in the definition of "shipping container" and "immediate container."

(*v*) A definition of "capable of use as human food" is added in conformity with the FMIA.

(*w*) A definition of "processed" is added, adapted from the definition of "prepared" in the FMIA.

(*x*) and (*y*). These paragraphs add definitions of "Federal Food, Drug, and Cosmetic Act"; and "pesticide chemical" and related terms identical with the definitions in the FMIA.

(*z*), (*aa*) and (*bb*). These paragraphs add definitions of "poultry products broker"; "renderer"; and "animal food manufacturer" which are adapted from corresponding terms in the FMIA with only such changes as are needed to apply them to poultry or poultry products.

Section 5.—This section deletes the present provisions in section 5 of the act for designation of major consuming areas with respect to which the requirements of the act would be applicable to intrastate activities, and it substitutes therefor provisions for Federal-State cooperation similar to those contained in title III of the FMIA.

(a)(1) The Secretary would be authorized to cooperate with appropriate State agencies in developing and administering State poultry product inspection programs in any "State" (as defined to mean any State, the Commonwealth of Puerto Rico, or any organized territory) which has enacted a mandatory State poultry product inspection law imposing ante mortem and post mortem inspection, reinspection, and sanitation requirements, at least equal to those under the Federal act for all or certain classes of intrastate operators.

(a)(2) The Secretary would be authorized to cooperate with appropriate State agencies in developing and administering State programs under State laws containing authorities at least equal to those provided in revised section 11 of the act (records, registration, and handling of dead, dying, disabled, or diseased poultry and other matters) and to cooperate with other agencies of the United States in carrying out the provisions of the Federal act. Authority now in section 18(b) of the act to conduct inspections, etc., under the act through State employees is also incorporated and extended in revised section 5.

(a)(3) The cooperation with the States may include advisory assistance, technical and laboratory assistance and training, financial and other aid. The Federal contribution may not exceed 50 percent of the total cost of the cooperating State's program.

(a)(4) The Secretary would be authorized to appoint advisory committees of State personnel to consult with him on poultry products inspection and other matters within the scope of the act.

(b) The term "appropriate State agency" is defined in conformity with the FMIA.

(c)(1) Subparagraph (c)(1) provides for extending Federal inspection and certain other requirements of the act to intrastate activities, including operations at establishments slaughtering poultry or preparing poultry products solely for intrastate commerce. It would authorize the Secretary after specified periods to designate any State as one in which such requirements would apply to wholly intrastate operations and transactions upon his determination, in accordance with specified procedure, that the State requirements are not at least equal to the Federal requirements. This subparagraph also provides for extension of the Federal requirements to specific plants

designated by the Secretary upon his determination that they produce adulterated poultry products, for intrastate distribution, which clearly endanger the public health.

(c)(2) Subparagraph (c)(2) would include limited exemption from inspection for traditional and usual types of operations at retail stores or restaurants or similar retail-type establishments otherwise subject to inspection only under paragraph (c).

(c)(3) Subparagraph (c)(3) provides for terminating the designation of States under paragraph (c), and also redesignating such States.

(c)(4) Under subparagraph (c)(4) the Secretary would be required to review, at least annually, the requirements of the several States, not designated under paragraph (c), with respect to slaughter, processing, storage, handling, and distribution of poultry products, and inspection of such operations, and to make annual reports thereon to specified committees of the Senate and House of Representatives.

(d) Paragraph (d) defines "State" to conform to the definition in the FMIA.

Section 6.—Section 6 amends section 6 of the act by making editorial changes to conform the language to other amendments made by the bill, including adding the phrase "capable of use as human food" to qualify "poultry products" in the provisions for quarantine, segregation and reinspection.

Section 7.—This section also makes editorial changes to conform to other amendments.

Section 8.—This section deletes the present labeling provisions in section 8 of the act and substitutes provisions identical with those in the FMIA except for necessary editorial changes (for example, references to poultry products rather than meat and meat food products) and except that the requirement in the latter act that certain information appear directly on the products or on their containers, as the Secretary may require, is here changed to require it on the containers and in the case of nonconsumer packaged carcasses directly thereon, as the Secretary may require.

Another change made by this section is in the label information to be required. The present act specifies certain items required to appear on the shipping container and more extensive information for the immediate container. Under the revised section all the information necessary under the definition of "misbranded" would have to appear as the Secretary may require in accordance with the section.

(b) This paragraph would confer specific authority on the Secretary to prescribe styles and sizes of type of required labeling information and to prescribe standards of identity or composition, or fill of container.

(c) This provision would prohibit sale in commerce of any article subject to the act under a false or misleading name or in containers of a false or misleading form or size but allow the use of approved labeling and containers. Similar provisions are in present paragraph 8(b).

(d) This paragraph would authorize the Secretary to order labeling or containers to be withheld from use if there is reason to believe they are false or misleading and provide for administrative hearing and judicial review. This provision is essentially the same as in paragraph 8(b) of the present act except that it includes authority to prevent use of containers of a false or misleading form or size.

Section 9.—This section deletes the principal prohibitions now in section 9 of the act and substitutes, with necessary editorial changes,

prohibitions like those in the FMIA (derived in part from the Federal Food, Drug, and Cosmetic Act) plus others adapted from the present PPIA. However, unlike those acts this bill requires "knowledge" as an element of the offenses prescribed in paragraph 9(a). In the revised section, paragraph (a) would make it unlawful for any person knowingly to—

(a)(1) Slaughter poultry or process poultry products capable of use as human food at establishments processing such articles for commerce, except in compliance with the requirements of the act. (This clarifies a prohibition now in par. 9(a) of the act with respect to processing.)

(a)(2) Sell, transport, offer for sale or transportation, or receive for transportation, in commerce (A) adulterated or misbranded poultry products capable of use as human food or (B) poultry products required to be inspected unless they have been inspected and passed.

(a)(3) Adulterate or misbrand poultry products capable of use as human food while they are being transported in commerce or held for sale after such transportation.

Clause (9)(a)(2)(A) replaces comparable prohibitions in paragraphs 9 (a), (b), and (d) and section 16 of the present act with respect to mislabeled or unwholesome or adulterated articles and extends coverage into areas now covered only by the Federal Food, Drug, and Cosmetic Act. This is also true of subparagraph 9(a)(3). Clause (B) of revised subparagraph 9(x)(2) preserves prohibitions now in paragraph 9(a) with respect to distribution of poultry products that have not been inspected.

(a)(4) This provision clarifies and replaces the prohibition now in paragraph 9(i) with respect to the distribution of articles not qualifying under the present definition of "poultry product", principally "New York dressed poultry".

(a)(5) This paragraph clarifies and slightly relieves the present prohibition in paragraph 9(h) of the act against use or revealing of information acquired under the act.

(b) This paragraph clarifies and preserves prohibitions now in paragraph 9(c) against counterfeiting or simulating official identifications and related offenses, especially as to brand manufacturers and printers.

(c) This paragraph prohibits forgery or unauthorized use or destruction of, or prohibited failure to use or to destroy, official devices, marks or certificates; knowing possession (without notifying the Secretary) of counterfeit "official" certificates, devices, or labels, or poultry carcasses, parts thereof or products bearing counterfeit "official" marks; and similar offenses. It also prohibits false statements in certificates prescribed under the act and false representation of poultry products as inspected or exempted under the act. Somewhat similar prohibitions are now contained in paragraphs 9 (c) and (e) of the act.

Section 10.—This section makes editorial changes in section 10 of the act relating to complete coverage of official establishments for conformity with other amendments.

Section 11.—This section deletes the present record requirements in section 11 of the act and substitutes record and other provisions similar to those in title II of the FMIA.

New paragraph 11(a) of the act limits inspection under the act to inspection of the slaughter of poultry and the preparation of poultry carcasses and so forth intended for use as human food and requires denaturing or other identification, as prescribed by the Secretary, of poultry carcasses and so forth not intended for such use, before their distribution in commerce or importation.

New paragraph 11(b) of the act would require keeping of records properly necessary for the effective enforcement of the act, by—

(1) Persons engaged (for commerce) in the business of slaughtering poultry or processing, freezing, packaging or labeling carcasses, and so forth of poultry for use as human food or animal food;

(2) Persons engaged in the business of buying or selling in any capacity, transporting, or storing, in or for commerce, or importing any carcasses, and so forth of poultry; and

(3) Persons engaged in business, in or for commerce, as renderers, or in the business of buying, selling, or transporting in commerce, or importing any dead, dying, disabled, or diseased poultry (hereinafter called "4-D poultry") or parts of the carcasses of any poultry that died otherwise than by slaughter, for example, from natural causes.

Paragraph 11(b) also would require such operators to give representatives of the Secretary access to their places of business, and opportunity to examine records, facilities, and inventories and to take samples of their inventories upon payment therefor.

New paragraph 11(c) of the act would authorize the Secretary to require registration of persons engaged in business, in or for commerce, as poultry products brokers, renderers, animal food manufacturers, wholesalers, or public warehousemen of poultry carcasses, and so forth, and persons engaged in the business of buying, selling or transporting, in commerce, or importing, any 4-D poultry, or parts of the carcasses of any poultry that died otherwise than by slaughter.

New paragraph 11(d) would prohibit 4-D poultry or carcass handlers from buying, selling, or transporting, and so forth in commerce or importing, any 4-D poultry, or parts of carcasses of any poultry that died otherwise than by slaughter, unless such transactions, and so forth are made in accordance with the Secretary's regulations.

New paragraph 11(e) would provide that the authority conferred on the Secretary by paragraph (b), (c), or (d) with respect to persons engaged in the specified kinds of business in or for commerce, may be exercised by him with respect to persons engaged in such business but not in or for commerce, and with respect to their transactions, when he determines, after consultation with an appropriate advisory committee provided for in section 5 of the act that the State or organized territory involved does not have or is not adequately exercising at least equal authority, including the State or territory providing for the Secretary or his representative being afforded access to such places of business.

Section 12.—This section would amend section 12 of the act relating to penalties by substituting provisions adapted from section 406 of the FMIA, by making editorial changes in paragraph 12(b), and by adding as paragraph 12(c) prohibitions and penalties like those in section 405 of the FMIA with respect to forcible assaults, et cetera, against persons having official duties under the PPIA.

Section 13.—This section adds, to section 14 of the act as paragraph (a), authority for the Secretary to regulate conditions of storage and handling of poultry products capable of use as human food by any person engaged in handling in commerce or importing such articles. It is the same as section 24 of the FMIA except for necessary editorial changes.

Section 14.—This section amends the exemption provisions now in section 15 of the act by—

(a) Deleting the poultry producer exemption authority now contained in paragraph 15(a)(1) (several different exemptions are provided in new paragraph 15(c)); and preserving and redesignating as paragraph (a)(1) the exemption authority as to retail dealers now contained in paragraph 15(a)(2); redesignating as paragraph 15(a)(2) the provisions now contained in paragraph 15(a)(3) for exemption from inspection in cases of impracticability to provide it; and redesignating as paragraph 15(a)(3) the religious exemption provisions now contained in paragraph 15(a)(4).

(b) Extending until January 1, 1970, the expired authority of the Secretary under redesignated paragraph 15(a)(2) to exempt processors of poultry and poultry products for commerce from inspection when he finds it is impracticable to provide such inspection;

(c) Redesignating as (e) present paragraph (b) relating to suspension or termination of exemptions and adding new paragraphs (b), (c), and (d) to the act, as follows:

“(b) Authorizing the Secretary to exempt from inspection the slaughter of poultry and processing of poultry products in any unorganized territory solely for distribution therein when he finds it is impracticable to provide such inspection for lack of funds.” (This is the same as paragraph 23(b) of the FMIA except for editorial changes.)

“(c)(1) Providing that the provisions of the act shall not apply to—

“(i) poultry producers with respect to poultry of their own raising on their own farms, provided that the wholesale dressed value of such poultry which they slaughter on said farms does not exceed \$15,000 during the current calendar year, they do not engage in buying or selling poultry products other than those produced from poultry raised on their own farms, none of such poultry moves in ‘commerce’, and they do not engage in selling dressed poultry or poultry products which are not fit for human food; nor

“(i) any person who slaughters, processes or sells poultry, the wholesale dressed value of which does not exceed \$15,000 during the current calendar year, provided that none of such poultry moves in ‘commerce’, and such persons do not engage in selling dressed poultry or poultry products which are not fit for human food; nor

“(iii) slaughtering by any person of poultry of his own raising, and the processing by him and transportation in ‘commerce’ of the poultry products exclusively for use by him and members of his household and his nonpaying guests and employees; nor

“(iv) the custom slaughter by any person of poultry delivered by the owner thereof for such slaughter, and processing of such poultry by such slaughterer, and transportation in commerce of the poultry products exclusively for use in the household of such owner, by him, members of his household and his nonpaying guests and employees. Such custom slaughterers may not engage in the business of buying or selling poultry products capable of use as human food if they are to qualify for such exemption.

“(2) Requiring the Secretary under specified criteria to provide by regulation for further exemptions for the operation and products of small enterprises (including poultry producers) engaged, solely for intrastate commerce, in slaughtering, and/or cutting up poultry for distribution as carcasses or parts thereof; and authorizing revocation of such further exemptions for stated causes.

“(d) Limiting the application of the adulteration and misbranding provisions insofar as concerns articles exempted or excluded from the inspection requirements.”

Section 15.—This section deletes the present provisions in section 16 of the act relating to distribution of unwholesome or adulterated exempted poultry or poultry products, and it substitutes provisions clarifying the authority to limit the entry into official establishments of poultry products and other materials.

Section 16.—This section deletes the present provisions in section 18 relating to jurisdiction of the Secretary and cooperation with other branches of Government and State agencies in carrying out the provisions of the act and substitutes provisions for refusal or withdrawal of inspection service under the act. (Deleted matter is covered by sections 5 and 17 of the bill).

The new provisions in paragraph 18(a) would authorize withdrawal or refusal of inspection service under the act for any establishment if the applicant for, or recipient of, the service is determined, in a formal administrative proceeding, to be unfit to engage in a business requiring such inspection because he, or anyone responsibly connected with him, has been convicted within the previous 10 years, in any Federal or State court of any felony or more than one misdemeanor under any law based upon acquiring, handling or distributing of adulterated, mislabeled, or deceptively packaged food or fraud in connection with transactions in food; or any felony involving any act or circumstance which indicates a lack of the integrity needed for the conduct of operations affecting the public health.

New paragraph 18(b) would provide opportunity for hearing, upon request by the adversely affected processor, in cases in which inspection service has been withdrawn or refused because of failure to destroy condemned poultry products (as required under section 6 of the act) or failure to otherwise comply with the requirements under section 7 of the act. Provision would be made, however, for the withdrawal or refusal to continue unless otherwise ordered by the Secretary.

In paragraph 18(c), provision would be made for judicial review of orders in proceedings within paragraphs 18 (a) and (b).

Section 17.—This section of the bill redesignates present sections 19 (cost of inspection), 20 (appropriations), 21 (separability of provisions),

and 22 (effective date of the original PPIA) of the act as sections 25, 26, 28 and 29, and adds to the act new sections 19 through 24 which correspond, respectively, to provisions in sections 402, 403, 404, 407, 408, and 409 of the FMIA. New section 27 is also added. It corresponds to section 17 of the Wholesome Meat Act.

New section 19 of the act would authorize administrative detention by the Secretary of Agriculture's representatives of poultry products and other articles and 4-D poultry if found on any premises where held for purposes of, or during or after, distribution in commerce or otherwise subject to the act and there is reason to believe that they are adulterated or misbranded and capable of use as human food, or that they have not been inspected, in violation of Federal or other laws or have been or are intended to be distributed in violation of such laws.

New section 20 would authorize judicial proceedings for seizure and condemnation of poultry products and 4-D poultry that are being transported in commerce or that are otherwise subject to the act, or that are held for sale after such transportation, if they are or have been processed or distributed or offered or received for distribution in violation of the act, or are capable of use as human food and are adulterated or misbranded, or are otherwise in violation of the act.

New section 21 would give specified courts jurisdiction of actions to enjoin violations of the act, and certain other cases under the act.

New section 22 would incorporate by reference, provisions (including penalties) of the Federal Trade Commission Act and the Communications Act of 1934, as amended, authorizing requirement of reports, authorizing administrative subpoenas, and conferring other investigative and hearing powers.

New section 23 would exclude States, territories, and the District of Columbia from imposing different or additional requirements within the scope of the PPIA with respect to premises, facilities, and operations at plants inspected under the PPIA or from imposing marking, labeling, packaging, or ingredient requirements in addition to or different than those under the act for poultry products processed at official establishments in accordance with the requirements under the act, but would permit them to impose recordkeeping and related requirements with respect to such plants if consistent with the Federal requirements and to impose requirements consistent with the Federal provisions as to other matters regulated under the act.

New section 24 would coordinate the Poultry Products Inspection Act with the Federal Food, Drug, and Cosmetic Act by continuing the present exemption from the latter act for poultry and poultry products to the extent of the application or extension thereto of the Poultry Products Inspection Act but providing that the provisions of the Poultry Products Inspection Act shall not derogate from any authority conferred by the Federal Food, Drug, and Cosmetic Act prior to enactment of the bill. This parallels provisions in subsection 902(b) of the latter act and section 409 of the FMIA with respect to meat and meat food products. Section 24 also would extend the detention authority of section 19 to representatives of the Secretary of Health, Education, and Welfare for purposes of enforcement of the latter act with respect to poultry carcasses, and parts and products thereof.

New section 27 would require annual reports to specified committees of the Senate and the House of Representatives with respect to poultry

slaughter and processing, inspection thereof, and operations under the act.

Section 18.—This section of the bill would change the headings preceding specified sections of the statute to reflect other changes made by the bill.

Section 19.—This section contains the usual saving provision to apply in case of partial invalidity of the bill.

Section 20.—This section provides that the bill shall become effective upon enactment with specified exceptions.

CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

POULTRY PRODUCTS INSPECTION ACT

* * * * *

LEGISLATIVE FINDING

SEC. 2. **【Wholesome】** *Poultry and poultry products* are an important source of the Nation's total supply of food. **【Such products】** *They* are consumed throughout the Nation and **【substantial quantities】** *the major portion* thereof **【move】** *moves* in interstate **【and】** *or* foreign commerce. *It is essential in the public interest that the health and welfare of consumers be protected by assuring that poultry products distributed to them are wholesome, not adulterated, and properly marked, labeled, and packaged.* Unwholesome **【and】**, adulterated, or misbranded poultry products *impair the effective regulation of poultry products in* **【the channels of】** interstate or foreign commerce, are injurious to the public welfare, **【adversely affect the marketing of】** *destroy markets for wholesome, not adulterated, and properly labeled and packaged poultry products, and result in sundry losses to poultry producers* **【and destroy markets for wholesome poultry products.** The marketing of wholesome poultry products is affected with the public interest and directly affects the welfare of the people. All poultry and poultry products which have or are required to have inspection **】** *and processors of poultry and poultry products, as well as injury to consumers.* *It is hereby found that all articles and poultry which are regulated under this Act are either in* **【the current of】** interstate or foreign commerce of **【directly】** *substantially affect such commerce, and that regulation by the Secretary of Agriculture and cooperation by the States and other jurisdictions as contemplated by this Act are appropriate to prevent and eliminate burdens upon such commerce, to effectively regulate such commerce, and to protect the health and welfare of consumers.* **【That part that enters directly into the current of interstate or foreign commerce cannot be effectively inspected and regulated without also inspecting and regulating all poultry and poultry products processed or handled in the same establishment.**

【The great volume of poultry products required as an article of food for the inhabitants of large centers of population may directly affect the movement of poultry and poultry products in interstate commerce. To protect interstate commerce in poultry and poultry

products inspected for wholesomeness, from being adversely burdened, obstructed, or affected by uninspected poultry or poultry products, major consuming areas where poultry or poultry products are handled or consumed in such volume as to affect the movement of inspected poultry or poultry products in interstate commerce should be designated by the Secretary pursuant to the provisions of this Act.】

DECLARATION OF POLICY

SEC. 3. It is hereby declared to be the policy of Congress to provide for the inspection of poultry and poultry products 【by the inspection service as herein provided】 *and otherwise regulate the processing and distribution of such articles as hereinafter prescribed* to prevent the movement or sale in interstate or foreign commerce 【or in a designated major consuming area of poultry products which are unwholesome, adulterated, or otherwise unfit for human food】 *of, or the burdening of such commerce by poultry products which are adulterated or misbranded.*

DEFINITIONS

SEC. 4. For purposes of this Act—

(a) The term “commerce” means commerce between any State, *any territory*, or the District of Columbia, and any place outside thereof; 【or between points within the same State or the District of Columbia, but through any place outside thereof;】 *or within any territory not organized with a legislative body, or the District of Columbia* 【; and the term “State” includes the Commonwealth of Puerto Rico and the Virgin Islands】.

(b) *Except as otherwise provided in this Act, the term “State” means any State of the United States and the Commonwealth of Puerto Rico.*

(c) *The term “territory” means Guam, the Virgin Islands of the United States, American Samoa, and any other territory or possession of the United States, excluding the Canal Zone.*

(d) *The term “United States” means the States, the District of Columbia, and the territories of the United States.*

Existing subsections (b) and (c), which define “Secretary” and “person” are hereinafter compared with proposed subsections (i) and (j)

【(d)】 (e) The term “poultry” means any 【live or slaughtered】 domesticated bird, *whether live or dead.*

【(e)】 (f) The term “poultry product” means any 【poultry which has been slaughtered for human food from which the blood, feathers, feet, head, and viscera have been removed in accordance with rules and regulations promulgated by the Secretary, any edible part of poultry, or, unless exempted by the Secretary, any human food product consisting of any edible part of poultry separately or in combination with other ingredients】 *poultry carcass, or part thereof; or any product which is made wholly or in part from any poultry carcass or part thereof, excepting products which contain poultry ingredients only in a relatively small proportion or historically have not been considered by consumers as products of the poultry food industry. and which are exempted by the Secretary from definition as a poultry product under such conditions as the Secretary may prescribe to assure that the poultry ingredients in such products are not adulterated and that such products are not represented as poultry products.*

[(f) The term "wholesome" means sound, healthful, clean, and otherwise fit for human food.

[(g) The term "unwholesome" means:]

Compare the following two clauses with proposed subsection (g)(3):

[(1) Unsound, injurious to health, or otherwise rendered unfit for human food.

[(2) Consisting in whole or in part of any filthy, putrid, or decomposed substance.]

Compare the following three clauses with proposed subsections (g)(4), (5), and (6):

[(3) Processed, prepared, packed, or held under unsanitary conditions whereby a poultry carcass or parts thereof or any poultry product may have become contaminated with filth or whereby a poultry product may have been rendered injurious to health.

[(4) Produced in whole or in part from poultry which has died otherwise than by slaughter.

[(5) Packaged in a container composed of any poisonous or deleterious substance which may render the contents injurious to health.]

[(h)] (g) The term "adulterated" shall apply to *any* poultry product [and poultry products] under one or more of the following circumstances:

(1) If [they bear or contain] *it bears or contains* any poisonous or deleterious substance which may render [them] *it* injurious to health; but, in case the substance is not an added substance, such [poultry and poultry products] *article* shall not be considered adulterated under this clause if the quantity of such substance [in such poultry and poultry products] *in or on such article* does not ordinarily render [them] *it* injurious to health[.];

(2)(A) If [they bear or contain] *it bears or contains* (by reason of administration of any substance to the live poultry or otherwise) any added poisonous or added deleterious substance[, unless such substance is permitted in their production or unavoidable under good manufacturing practices as may be determined by rules and regulations hereunder prescribed by the Secretary or other provisions of Federal law limiting or tolerating the quantity of such added substance on or in such poultry and poultry products: *Provided*, That any quantity of such added substance exceeding the limits so fixed shall also be deemed to constitute adulteration.] *(other than one which is (i) a pesticide chemical in or on a raw agricultural commodity; (ii) a food additive; or (iii) a color additive) which may, in the judgment of the Secretary, make such article unfit for human food;*

(B) *if it is, in whole or in part, a raw agricultural commodity and such commodity bears or contains a pesticide chemical which is unsafe within the meaning of section 408 of the Federal Food, Drug, and Cosmetic Act;*

(C) *if it bears or contains any food additive which is unsafe within the meaning of section 409 of the Federal Food, Drug, and Cosmetic Act,*

(D) *if it bears or contains any color additive which is unsafe within the meaning of section 706 of the Federal Food, Drug, and Cosmetic Act: Provided, That an article which is not otherwise deemed adulterated under clause (B), (C), or (D) shall nevertheless be deemed adulterated if use of the pesticide chemical food additive, or color additive in or on such article is prohibited by regulations of the Secretary in official establishments;*

Compare the following four clauses with proposed clause (8)

[(3) If any substance has been substituted, wholly or in part, therefor.

[(4) If damage or inferiority has been concealed in any manner.

[(5) If any valuable constituent has been in whole or in part omitted or abstracted therefrom.

[(6) If any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is.

Compare proposed clause (3) with existing subsections (g) (1) and (2)

(3) *if it consists in whole or in part of any filthy, putrid, or decomposed substance or is for any other reason unsound, unhealthful, unwholesome, or otherwise unfit for human food;*

Compare the following 3 clauses with existing subsections (g) (3), (4), and (5)

(4) *if it has been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health;*

(5) *if it is, in whole or in part, the product of any poultry which has died otherwise than by slaughter;*

(6) *if its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health;*

(7) *if it has been intentionally subjected to radiation, unless the use of the radiation was in conformity with a regulation or exemption in effect pursuant to section 409 of the Federal Food, Drug, and Cosmetic Act; or*

Compare the following clause with existing subsections (h) (3), (4), (5), and (6):

(8) *if any valuable constituent has been in whole or in part omitted or abstracted therefrom; or if any substance has been substituted, wholly or in part therefor; or if damage or inferiority has been concealed in any manner; or if any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is.*

(b) The term "misbranded" shall apply to any poultry product under one or more of the following circumstances:

(1) *if its labeling is false or misleading in any particular;*

(2) *if it is offered for sale under the name of another food;*

(3) *if it is an imitation of another food, unless its label bears, in type of uniform size and prominence, the word "imitation" and immediately thereafter, the name of the food imitated;*

(4) *if its container is so made, formed, or filled as to be misleading;*

(5) *unless it bears a label showing (A) the name and the place of business of the manufacturer, packer, or distributor; and (B) an accurate statement of the quantity of the product in terms of weight, measure, or numerical count: Provided, That under clause (B) of this subparagraph (5), reasonable variations may be permitted, and exemptions as to small packages or articles not in packages or other containers may be established by regulations prescribed by the Secretary;*

(6) *if any word, statement, or other information required by or under authority of this Act to appear on the label or other labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the*

labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;

(7) if it purports to be or is represented as a food for which a definition and standard of identity or composition has been prescribed by regulations of the Secretary under section 8 of this Act unless (A) it conforms to such definition and standard, and (B) its label bears the name of the food specified in the definition and standard and, insofar as may be required by such regulations the common names of optional ingredients (other than spices, flavoring, and coloring) present in such food;

(8) if it purports to be or is represented as a food for which a standard or standards of fill of container have been prescribed by regulations of the Secretary under section 8 of this Act, and it falls below the standard of fill of container applicable thereto, unless its label bears, in such manner and form as such regulations specify, a statement that it falls below such standard;

(9) if it is not subject to the provisions of subparagraph (7), unless its label bears (A) the common or usual name of the food, if any there be, and (B) in case it is fabricated from two or more ingredients, the common or usual name of each such ingredient; except that spices, flavorings, and colorings may, when authorized by the Secretary, be designated as spices, flavorings, and colorings without naming each: Provided, That to the extent that compliance with the requirements of clause (B) of this subparagraph (9) is impracticable or results in deception or unfair competition, exemptions shall be established by regulations promulgated by the Secretary;

(10) if it purports to be or is represented for special dietary uses unless its label bears such information concerning its vitamin, mineral, and other dietary properties as the Secretary, after consultation with the Secretary of Health, Education, and Welfare, determines to be, and by regulations prescribes as, necessary in order fully to inform purchasers as to its value for such uses;

(11) if it bears or contains any artificial flavoring, artificial coloring, or chemical preservative, unless it bears labeling stating that fact: Provided, That, to the extent that compliance with the requirements of this subparagraph (11) is impracticable, exemptions shall be established by regulations promulgated by the Secretary; or

(12) if it fails to bear on its containers and in the case of nonconsumer packaged carcasses directly thereon, as the Secretary may by regulations prescribe, the official inspection legend and official establishment number of the establishment where the article was processed, and, unrestricted by any of the foregoing, such other information as the Secretary may require in such regulations to assure that it will not have false or misleading labeling and that the public will be informed of the manner of handling required to maintain the article in a wholesome condition.

Existing subsections (b), (c), (i), (j), (k), (l), (m), (n), (o), and (p) are hereinafter compared with proposed subsections as follows:

Existing subsection:	Proposed subsection:	Term defined:
(b)	(i)	"Secretary"
(c)	(j)	"person"
(i)	(k)	"inspector"
(j)	(m)	"official inspection mark"
(k)	(q)	"inspection service"
(l)	(r)	"container"
(m)	(p)	"official establishment"
(n)	(s)	"label"
(o)	(t)	"shipping container"
(p)	(u)	"immediate container"

[(b)] (i) The term "Secretary" means the Secretary of Agriculture or his delegate.

[(c)] (j) The term "person" means any individual, partnership, corporation, association, or [any] other business unit.

[(i)] (k) The term "inspector" means: (1) an employee or official of the United States Government authorized by the Secretary to inspect poultry and poultry products under the authority of this Act, or (2) any employee or official of [any State government] *the government of any State or territory or the District of Columbia* authorized by the Secretary to inspect poultry and poultry products under authority of this Act, under an agreement entered into between the Secretary and the appropriate State or other agency.

(l) The term "official mark" means the official inspection legend or any other symbol prescribed by regulations of the Secretary to identify the status of any article or poultry under this Act.

[(j)] (m) The term "official inspection [mark] legend" means [the] any symbol [, formulated pursuant to rules and regulations] prescribed by regulations of the Secretary [, stating] showing that [the product] an article was inspected and passed in accordance with this Act.

(n) The term "official certificate" means any certificate prescribed by regulations of the Secretary for issuance by an inspector or other person performing official functions under this Act.

(o) The term "official device" means any device prescribed or authorized by the Secretary for use in applying any official mark.

[(k)] (q) The term "inspection service" means the official Government service within the Department of Agriculture designated by the Secretary as having the responsibility for carrying out the provisions of this Act.

[(l)] (r) The [terms] term "container" or "package" [include] includes any box, can, tin, cloth, plastic, or [any] other receptacle, wrapper, or cover.

[(m)] (p) The term "official establishment" means any establishment as determined by the Secretary at which inspection of the slaughter of poultry, or the processing of poultry products, is maintained under the authority of this Act.

[(n)] (s) The term "label" means [any] a display of written, printed, or graphic [material] matter upon [the shipping container, if any, or upon] any article or the immediate container [, including but not limited to an individual consumer package, of the poultry product, or accompanying such product] (not including package liners) of any article; and the term "labeling" means all labels and other written, printed,

or graphic matter (1) upon any article or any of its containers or wrappers, or (2) accompanying such article.

[(o)] (t) The term "shipping container" means any container used or intended for use in packaging the product packed in an immediate container.

[(p)] (u) The term "immediate container" includes any consumer package; or any other container in which [poultry carcasses or] poultry products, not consumer packaged, are packed.

(v) The term "capable of use as human food" shall apply to any carcass, or part or product of a carcass, of any poultry, unless it is denatured or otherwise identified as required by regulations prescribed by the Secretary to deter its use as human food, or it is naturally inedible by humans.

(w) The term "processed" means slaughtered, canned, salted, stuffed, rendered, boned, cut up, or otherwise manufactured or processed.

(x) The term "Federal Food, Drug, and Cosmetic Act" means the Act so entitled, approved June 25, 1938 (52 Stat. 1040), and Acts amendatory thereof or supplementary thereto.

(y) The terms "pesticide chemical", "food additive", "color additive", and "raw agricultural commodity" shall have the same meanings for purposes of this Act as under the Federal Food, Drug, and Cosmetic Act.

(z) The term "poultry products broker" means any person engaged in the business of buying or selling poultry products on commission, or otherwise negotiating purchases or sales of such articles other than for his own account or as an employee of another person.

(aa) The term "renderer" means any person engaged in the business of rendering carcasses, or parts or products of the carcasses, of poultry, except rendering conducted under inspection or exemption under this Act.

(bb) The term "animal food manufacturer" means any person engaged in the business of manufacturing or processing animal food derived wholly or in part from carcasses, or parts or products of the carcasses, of poultry.

[DESIGNATION] FEDERAL AND STATE COOPERATION

SEC. 5. [Upon application by any appropriate State or local official or agency of a substantial portion of any major consuming area or upon application by an appropriate local poultry industry group in such an area, where the Secretary has reason to believe that poultry or poultry products are handled or consumed in such volume as to affect, burden, or obstruct the movement of inspected poultry products in interstate commerce, the Secretary shall conduct a public hearing to ascertain whether or not it will tend to effectuate the purposes of this Act. If after public hearing the Secretary finds that poultry or poultry products are handled or consumed in such volume as to affect, burden, or obstruct the movement of inspected poultry products in commerce and that the designation of such area will tend to effectuate the purposes of this Act, he shall by order designate such area and prescribe the provisions of this Act which shall be applicable thereto and grant such exemptions therefrom as he determines practicable. Such designation shall not become effective until six months after the notice thereof is published in the Federal Register. On and after the effective date of such designation, all poultry and poultry products proc-

essed, sold, received, or delivered in any such area shall be subject to the provisions of this Act.】 (a) *It is the policy of the Congress to protect the consuming public from poultry products that are adulterated or misbranded and to assist in efforts by State and other Government agencies to accomplish this objective. In furtherance of this policy—*

(1) *The Secretary is authorized, whenever he determines that it would effectuate the purposes of this Act, to cooperate with the appropriate State agency in developing and administering a State poultry product inspection program in any State which has enacted a mandatory State poultry product inspection law that imposed ante-mortem and post-mortem inspection, reinspection and sanitation requirements that are at least equal to those under this Act, with respect to all or certain classes of persons engaged in the State in slaughtering poultry or processing poultry products for use as human food solely for distribution within such State.*

(2) *The Secretary is further authorized, whenever he determines that it would effectuate the purposes of this Act, to cooperate with appropriate State agencies in developing and administering State programs under State laws containing authorities at least equal to those provided in section 11 of this Act; and to cooperate with other agencies of the United States in carrying out any provisions of this Act. In carrying out the provisions of this Act, the Secretary may conduct such examinations, investigations, and inspections as he determines practicable through any officer or employee of any State or Territory or the District of Columbia commissioned by the Secretary for such purpose.*

(3) *Cooperation with State agencies under this section may include furnishing to the appropriate State agency (i) advisory assistance in planning and otherwise developing an adequate State program under the State law; (ii) technical and laboratory assistance and training (including necessary curricular and instructional materials and equipment), and financial and other aid for administration of such a program. The amount to be contributed to any State by the Secretary under this section from Federal funds for any year shall not exceed 50 per centum of the estimated total cost of the cooperative program; and the Federal funds shall be allocated among the States desiring to cooperate on an equitable basis. Such cooperation and payment shall be contingent at all times upon the administration of the State program in a manner which the Secretary, in consultation with the appropriate advisory committee appointed under subparagraph (4), deems adequate to effectuate the purposes of this section.*

(4) *The Secretary may appoint advisory committees consisting of such representatives of appropriate State agencies as the Secretary and the State agencies may designate to consult with him concerning State and Federal programs with respect to poultry product inspection and other matters within the scope of this Act, including evaluating State programs for purposes of this Act and obtaining better coordination and more uniformity among the State programs and between the Federal and State programs and adequate protection of consumers.*

(b) *The appropriate State agency with which the Secretary may cooperate under this Act shall be a single agency in the State which is primarily responsible for the coordination of the State programs having objectives similar to those under this Act. When the State program includes performance of certain functions by a municipality or other subordinate*

governmental unit, such unit shall be deemed to be a part of the State agency for purposes of this section.

(c)(1) If the Secretary has reason to believe, by thirty days prior to the expiration of two years after enactment of the Wholesome Poultry Products Act, that a State has failed to develop or is not enforcing, with respect to all establishments within its jurisdiction (except those that would be exempted from Federal inspection under subparagraph (2) of this paragraph (c)) at which poultry are slaughtered, or poultry products are processed for use as human food, solely for distribution within such State, and the products of such establishments, requirements at least equal to those imposed under section 1-4, 6-10, and 12-22 of this Act, he shall promptly notify the Governor of the State of this fact. If the Secretary determines, after consultation with the Governor of the State, or representative selected by him, that such requirements have not been developed and activated, he shall promptly after the expiration of such two-year period designate such State as one in which the provisions of said sections of this Act shall apply to operations and transactions wholly within such State: Provided, That if the Secretary has reason to believe that the State will activate such requirements within one additional year, he may delay such designation for said period, and not designate the State, if he determines at the end of the year that the State then has such requirements in effective operation. The Secretary shall publish any such designation in the Federal Register and, upon the expiration of thirty days after such publication, the provisions of said sections of this Act shall apply to operations and transactions and to persons engaged therein in the State, to the same extent and in the same manner as if such operations and transactions were conducted in or for commerce. However, notwithstanding any other provision of this section, if the Secretary determines that any establishment within a State is producing adulterated poultry products for distribution within such State which would clearly endanger the public health he shall notify the Governor of the State and the appropriate advisory committee provided for by subparagraph (a)(4) of this section of such fact for effective action under State or local law. If the State does not take action to prevent such endangering of the public health within a reasonable time after such notice, as determined by the Secretary, in light of the risk to public health, the Secretary may forthwith designate any such establishment as subject to the provisions of said sections of this Act, and thereupon the establishment and operator thereof shall be subject to such provisions as though engaged in commerce until such time as the Secretary determines that such State has developed and will enforce requirements at least equal to those imposed under said sections.

(2) The provisions of this Act requiring inspection of the slaughter of poultry and the processing of poultry products shall not apply to operations of types traditionally and usually conducted at retail stores and restaurants, when conducted at any retail store or restaurant or similar retail-type establishment for sale in normal retail quantities or service of such articles to consumers at such establishments if such establishments are subject to such inspection provisions only under this paragraph (c).

(3) Whenever the Secretary determines that any State designated under this paragraph (c) has developed and will enforce State poultry products inspection requirements at least equal to those imposed under the aforesaid sections of this Act, with respect to the operations and transactions within such State which are regulated under subparagraph (1) of this paragraph (c), he shall terminate the designation of such State under this paragraph (c), but this shall not preclude the subsequent redesignation of the State

at any time upon thirty days' notice to the Governor and publication in the Federal Register in accordance with this paragraph, and any State may be designated upon such notice and publication, at any time after the period specified in this paragraph whether or not the State has theretofore been designated, upon the Secretary determining that it is not effectively enforcing requirements at least equal to those imposed under said sections.

(4) The Secretary shall promptly upon enactment of the Wholesome Poultry Products Act, and periodically thereafter, but at least annually, review the requirements, including the enforcement thereof, of the several States not designated under this paragraph (c), with respect to the slaughter, and the processing, storage, handling, and distribution of poultry products, and inspection of such operations, and annually report thereon to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture and Forestry of the Senate in the report required in section 27 of the Wholesome Poultry Products Act.

(d) As used in this section, the term "State" means any State (including the Commonwealth of Puerto Rico) or organized territory.

ANTE MORTEM AND POST MORTEM INSPECTION, REINSPECTION, AND QUARANTINE

SEC. 6. (a) For the purpose of preventing the entry into or flow or movement in commerce [or a designated major consuming area] of, or the burdening of commerce by, any poultry product which is [unwholesome or adulterated] capable of use as human food and is adulterated, the Secretary shall, where and to the extent considered by him necessary, cause to be made by inspectors ante mortem inspection of poultry in [any] each official establishment processing poultry or poultry products for commerce or [in, or for marketing in a designated city or area] otherwise subject to inspection under this Act.

(b) The Secretary, whenever processing operations are being conducted, shall cause to be made by inspectors post mortem inspection of the carcass of each bird processed, and at any time such quarantine, segregation, and reinspection as he deems necessary of poultry and poultry products capable of use as human food in each official establishment processing such poultry or poultry products for commerce or [in, or for marketing in a designated city or area] otherwise subject to inspection under this Act.

(c) All poultry carcasses and parts thereof and other poultry products found to be [unwholesome or] adulterated shall be condemned and shall, if no appeal be taken from such determination of condemnation, be destroyed for human food purposes under the supervision of an inspector: *Provided*, That carcasses, parts, and products, which may by reprocessing be made [not unwholesome and] not adulterated, need not be so condemned and destroyed if so reprocessed under the supervision of an inspector and thereafter found to be [not unwholesome and] not adulterated. If an appeal be taken from such determination, the carcasses, parts, or products shall be appropriately marked and segregated pending completion of an appeal inspection, which appeal shall be at the cost of the appellant if the Secretary determines that the appeal is frivolous. If the determination of condemnation is sustained the carcasses, parts, and products shall be destroyed for human food purposes under the supervision of an inspector.

SANITATION, FACILITIES, AND PRACTICES

SEC. 7. (a) Each official establishment slaughtering poultry or processing poultry products for commerce or [in or for marketing in a designated major consuming area] *otherwise subject to inspection under this Act* shall have such premises, facilities, and equipment, and be operated in accordance with such sanitary practices, as are required by regulations promulgated by the Secretary for the purpose of preventing the entry into or flow or movement in commerce or [in a designated major consuming area] *burdensome effect upon commerce*, of poultry products which are [unwholesome or] adulterated.

(b) The Secretary shall refuse to render inspection to any establishment whose premises, facilities, or equipment, or the operation thereof, fail to meet the requirements of this section.

LABELING AND CONTAINERS; STANDARDS

SEC. 8. (a) [Each shipping container of any poultry product] *All poultry products inspected at any official establishment under the authority of this Act and found to be [wholesome and] not adulterated, shall at the time [such product leaves] they leave the [official] establishment bear, in distinctly legible form, [the official inspection mark, and the approved plant number of the official establishment in which the contents were processed] on their shipping containers and immediate containers, and in the case of nonconsumer packaged carcasses, directly thereon, as the Secretary may require, the information required under paragraph (h) of section 4 of this Act. [Each immediate container of any poultry product inspected under the authority of this Act and found to be wholesome and not adulterated shall at the time such product leaves the official establishment bear, in addition to the official inspection mark, in distinctly legible form, the name of the product, a statement of ingredients if fabricated from two or more ingredients including a declaration as to artificial flavors, colors, or preservatives, if any, the net weight or other appropriate measure of the contents, the name and address of the processor and the approved plant number of the official establishment in which the contents were processed. The name and address of the distributor may be used in lieu of the name and address of the processor if the approved plant number is used to identify the official establishment in which the poultry product was prepared and packed. The Secretary may permit reasonable variations and grant exemptions from the foregoing labeling requirements in any manner not in conflict with the purposes of this Act.]*

Subsection (b) of existing law is hereafter compared with proposed subsections (c) and (d).

(b) *The Secretary, whenever he determines such action is necessary for the protection of the public, may prescribe: (1) the styles and sizes of type to be used with respect to material required to be incorporated in labeling to avoid false or misleading labeling in marketing and labeling any articles or poultry subject to this Act; (2) definitions and standards of identity or composition or articles subject to this Act and standards of fill of container for such articles not inconsistent with any such standards established under the Federal Food, Drug, and Cosmetic Act, and there shall be consultation between the Secretary and the Secretary of Health, Education, and Welfare prior to the issuance of such standards under, either Act relating to articles subject to this Act to avoid inconsistency in*

such standards and possible impairment of the coordinated effective administration of these Acts. There shall also be consultation between the Secretary and an appropriate advisory committee provided for in section 5 of this Act, prior to the issuance of such standards under this Act, to avoid, insofar as feasible, inconsistency between Federal and State standards.

[b] (c) **[The use of any written, printed or graphic matter upon or accompanying any poultry product inspected or required to be inspected pursuant to the provisions of this Act or the container thereof which is false or misleading in any particular is prohibited.]** No **[poultry products inspected or required to be inspected pursuant to the provisions of]** *article subject to this Act* shall be sold or offered for sale by any person **[, firm, or corporation]** *in commerce*, under any **[false or deceptive]** *name[:]* *or other marking or labeling which is false or misleading, or in any container of a misleading form or size, but established trade [name or] names and other marking and labeling and containers [which are usual to such products and] which are not false [and deceptive] or misleading and which [shall be] are approved by the Secretary are permitted.*

(d) If the Secretary has reason to believe that any **[label]** *marking or labeling or the size or form of any container in use or [prepared for] proposed for use with respect to any article subject to this Act* is false or misleading in any particular, he may direct that **[the]** *such use [of the label]* be withheld unless **[it]** *the marking, labeling, or container* is modified in such manner as **[the Secretary]** *he* may prescribe so that it will not be false or misleading. If the person using or proposing to use the **[label]** *marking, labeling, or container* does not accept the determination of the Secretary, **[he]** *such person* may request a hearing, but the use of the **[label]** *marking, labeling, or container* shall, if the Secretary so directs, be withheld pending hearing and final determination by the Secretary. Any such determination by the Secretary shall be conclusive unless, within thirty days after **[the]** receipt of notice of such final determination, the person adversely affected thereby appeals to the United States Court of Appeals for the circuit in which **[he has his]** *such person has its* principal place of business or to the United States Court of Appeals for the District of Columbia Circuit. The provisions of section 204 of the Packers and Stockyards Act **[of]**, 1921 (42 Stat. 162, as amended **[,]**; 7 U.S.C. 194), shall be applicable to appeals taken under this section.

PROHIBITED ACTS

SEC. 9 (a) **[The following acts or the causing thereof are hereby prohibited:]** *No person shall knowingly—*

[a] The processing, sale or offering for sale, transportation, or delivery or receiving for transportation, in commerce or in a designated major consuming area of any poultry product, unless such poultry product has been inspected for wholesomeness and unless the shipping container, if any, and the immediate container are marked in accordance with the provisions of this Act.

[b] The sale or other disposition for human food of any poultry or poultry product which has been inspected and declared to be unwholesome or adulterated under this Act.]

(1) *slaughter any poultry or process any poultry products which are capable of use as human food at any establishment processing any such*

articles for commerce, except in compliance with the requirements of this Act;

(2) sell, transport, offer for sale or transportation, or receive for transportation in commerce, (A) any poultry products which are capable of use as human food and are adulterated or misbranded at the time of such sale, transportation, offer for sale or transportation, or receipt for transportation; or (B) any poultry products required to be inspected under this Act unless they have been so inspected and passed;

(3) do, with respect to any poultry products which are capable of use as human food, any act while they are being transported in commerce or held for sale after such transportation, which is intended to cause or has the effect of causing such products to be adulterated or misbranded;

(4) sell, transport, offer for sale or transportation, or receive for transportation, in commerce or from an official establishment, any slaughtered poultry from which the blood, feathers, feet, head, or viscera have not been removed in accordance with regulations promulgated by the Secretary, except as may be authorized by regulations of the Secretary;

Proposed paragraph (5) is hereafter compared with existing subsection (h).

(b) No brand manufacturer, printer, or other person shall cast, print, lithograph, or otherwise make any device containing any official mark or simulation thereof, or any label bearing any such mark or simulation, or any form of official certificate or simulation thereof, except as authorized by the Secretary.

(c) [Falsely making or issuing, altering, forging, simulating, or counterfeiting any official inspection certificate, memorandum, mark, or other identification, or device for making such mark or identification, used in connection with the inspection of poultry or poultry products under this Act, or causing, procuring, aiding, assisting in, or being a party to, such false making, issuing, altering, forging, simulating, or counterfeiting, or knowingly possessing, without promptly notifying the Secretary of Agriculture or his representative, uttering, publishing, or using as true, or causing to be uttered, published, or used as true, any such falsely made or issued, altered, forged, simulated, or counterfeited official inspection certificate, memorandum, mark, or other identification, or device for making such mark or identification, or representing that any poultry or poultry product has been officially inspected under the authority of this Act when such poultry or poultry product has in fact not been so inspected] No person shall—

(1) forge any official device, mark, or certificate;

(2) without authorization from the Secretary use any official device, mark, or certificate, or simulation thereof, or alter, detach, deface, or destroy any official device, mark, or certificate;

(3) contrary to the regulations prescribed by the Secretary, fail to use, or to detach, deface, or destroy any official device, mark, or certificate;

(4) knowingly possess, without promptly notifying the Secretary or his representative, any official device or any counterfeit, simulated, forged, or improperly altered official certificate or any device or label or any carcass of any poultry, or part or product thereof, bearing any counterfeit, simulated, forged, or improperly altered official mark;

(5) knowingly make any false statement in any shippers certificate or other nonofficial or official certificate provided for in the regulations prescribed by the Secretary; or

(6) *knowingly represent that any article has been inspected and passed, or exempted, under this Act when, in fact, it has, respectively, not been so inspected and passed, or exempted.*

[(d) Using in commerce, or in a designated major consuming area, a false or misleading label on any poultry product.

[(e) The use of any container bearing an official inspection mark except for the poultry product in the original form in which it was inspected and covered by said mark unless the mark is removed, obliterated, or otherwise destroyed.

[(f) The refusal to permit access by any duly authorized representative of the Secretary, at all reasonable times, to the premises of an establishment engaged in processing poultry or poultry products for commerce, or in or for marketing in a designated major consuming area, upon presentation of appropriate credentials.

[(g) The refusal to permit access to and the copying of any record as authorized by section 11 of this Act.]

Existing subsection (h) is compared with proposed subsection (a)(5) as follows:

[(h)] (5) [The using by any person] *use* to his own advantage, or [revealing,] *reveal* other than to the authorized representatives of the *United States Government or any State or other government* in their official capacity, or [to the courts when relevant] *as ordered by a court* in any judicial [proceeding] *proceedings* [under this Act,] any information acquired under the authority of this Act[,] concerning any matter which [as a trade secret] is entitled to protection *as a trade secret*.

[(i) Delivering, receiving, transporting, selling, or offering for sale or transport for human consumption any slaughtered poultry or any part thereof, separately or in combination with other ingredients (other than poultry products as defined in this Act), in commerce or from an official establishment or in a designated major consuming area, except as may be authorized by and pursuant to rules and regulations prescribed by the Secretary.]

COMPLETE COVERAGE OF OFFICIAL ESTABLISHMENTS

SEC. 10. No establishment processing poultry or poultry products for commerce or [in or for marketing in a designated major consuming area] *otherwise subject to this Act* shall process any poultry or poultry product except in compliance with the requirements of this Act.

[RECORDS OF INTERSTATE SHIPMENT] *ARTICLES NOT INTENDED FOR HUMAN FOOD; RECORD AND RELATED REQUIREMENTS FOR PROCESSORS OF POULTRY PRODUCTS AND RELATED INDUSTRIES ENGAGED IN COMMERCE; REGISTRATION REQUIREMENTS FOR RELATED INDUSTRIES ENGAGED IN COMMERCE; REGULATION OF TRANSACTIONS IN COMMERCE IN DEAD, DYING, DISABLED, OR DISEASED POULTRY AND CARCASSES THEREOF; AUTHORITY TO REGULATE COMPARABLE INTRASTATE ACTIVITIES*

SEC. 11. (a) *Inspection shall not be provided under this Act at any establishment for the slaughter of poultry or the processing of any carcasses or parts or products of poultry, which are not intended for use as human food, but such articles shall, prior to their offer for sale or transportation in commerce, unless naturally inedible by humans, be de-*

natured or otherwise identified as prescribed by regulations of the Secretary to deter their use for human food. No person shall buy, sell, transport, or offer for sale or transportation, or receive for transportation, in commerce, or import, any poultry carcasses or parts or products thereof which are not intended for use as human food unless they are denatured or otherwise identified as required by the regulations of the Secretary or are naturally inedible by humans.

(b) **[**For the purpose of enforcing the provisions of this Act, persons engaged in the business of processing, transporting, shipping, or receiving poultry slaughtered for human consumption or poultry products in commerce or in a designated major consuming area, or holding such products so received shall maintain records showing, to the extent that they are concerned therewith, the receipt, delivery, sale, movement, or disposition of poultry and poultry products and shall, upon the request of a duly authorized representative of the Secretary, permit him at reasonable times to have access to and to copy all such records. Any record required to be maintained by this section shall be maintained for a period of two years after the transaction, which is the subject of such record, has taken place.**]** *The following classes of persons shall, for such period of time as the Secretary may by regulations prescribe, not to exceed two years unless otherwise directed by the Secretary for good cause shown, keep such records as are properly necessary for the effective enforcement of this Act in order to insure against adulterated or misbranded poultry products for the American consumer; and all persons subject to such requirements shall, at all reasonable times, upon notice by a duly authorized representative of the Secretary, afford such representative access to their places of business and opportunity to examine the facilities, inventory, and records thereof, to copy all such records, and to take reasonable samples of their inventory upon payment of the fair market value therefor—*

(1) Any person that engages in the business of slaughtering any poultry or processing, freezing, packaging, or labeling any carcasses, or parts or products of carcasses, of any poultry, for commerce for use as human food or animal food;

(2) Any person that engages in the business of buying or selling (as poultry products brokers, wholesalers or otherwise), or transporting, in commerce, or storing in or for commerce, or importing, any carcasses, or parts or products of carcasses, of any poultry;

(3) Any person that engages in business, in or for commerce, as a renderer, or engages in the business of buying, selling, or transporting, in commerce, or importing, any dead, dying, disabled, or diseased poultry or parts of the carcasses of any poultry that died otherwise than by slaughter.

(c) *No person shall engage in business, in or for commerce, as a poultry products broker, renderer, or animal food manufacturer, or engage in business in commerce as a wholesaler of any carcasses, or parts or products of the carcasses, of any poultry, whether intended for human food or other purposes, or engage in business as a public warehouseman storing any such articles in or for commerce, or engage in the business of buying, selling, or transporting in commerce, or importing, any dead, dying, disabled, or diseased poultry, or parts of the carcasses of any poultry that died otherwise than by slaughter, unless, when required by regulations of the Secretary, he has registered with the Secretary his name, and the address of each place of business at which, and all trade names under which, he conducts such business.*

(d) No person engaged in the business of buying, selling, or transporting in commerce, or importing, dead, dying, disabled, or diseased poultry, or any parts of the carcasses of any poultry that died otherwise than by slaughter, shall buy, sell, transport, offer for sale or transportation, or receive for transportation, in commerce, or import, any dead, dying, disabled, or diseased poultry or parts of the carcasses of any poultry that died otherwise than by slaughter, unless such transaction, transportation or importation is made in accordance with such regulations as the Secretary may prescribe to assure that such poultry, or the unwholesome parts or products thereof, will be prevented from being used for human food.

(e) The authority conferred on the Secretary by paragraph (b), (c), or (d) of this section with respect to persons engaged in the specified kinds of business in or for commerce may be exercised with respect to persons engaged, in any State, or organized territory, in such kinds of business but not in or for commerce, whenever the Secretary determines, after consultation with an appropriate advisory committee provided for in section 5 of this Act, that the State or territory does not have at least equal authority under its laws or such authority is not exercised in a manner to effectuate the purposes of this Act, including the State or territory providing for the Secretary or his representative being afforded access to such places of business and the facilities, inventories, and records thereof, and the taking of reasonable samples, where he determines necessary in carrying out his responsibilities under this Act; and in such case the provisions of paragraph (b), (c), or (d) of this section, respectively, shall apply to such persons to the same extent and in the same manner as if they were engaged in such business in or for commerce and the transactions involved were in commerce.

PENALTIES

SEC. 12. (a) Any person who violates the provisions of section 9, 10, 11, 14, or 17 [,] of this Act shall be [guilty of a misdemeanor and shall on conviction thereof be subject to imprisonment for not more than six months, or a fine of not more than \$3,000, or both such imprisonment and fine; but if such violation is committed after one conviction of such person under this section has become final such person shall be subject to imprisonment for not more than one year, or a fine of not more than \$5,000, or both such imprisonment and fine; but if such violation is committed after two or more convictions of such person under this section have become final such person shall be subject to imprisonment for not more than two years, or a fine of not more than \$10,000, or both such imprisonment and fine] fined not more than \$1,000 or imprisoned not more than one year, or both; but if such violation involves intent to defraud, or any distribution or attempted distribution of an article that is adulterated (except as defined in section 4(g)(8) of this Act), such person shall be fined not more than \$10,000 or imprisoned not more than three years, or both. When construing or enforcing the provisions of said sections the act, omission, or failure of any person acting for or employed by any individual, partnership, corporation, or association within the scope of his employment or office shall in every case be deemed the act, omission, or failure of such individual, partnership, corporation, or association, as well as of such person.

(b) No carrier shall be subject to the penalties of this Act, other than the penalties for violation of section 11, by reason of his receipt, carriage, holding, or delivery, in the usual course of business, as a

carrier, of [slaughtered] poultry or poultry products, owned by another person unless the carrier has knowledge, or is in possession of facts which would cause a reasonable person to believe that such [slaughtered] poultry or poultry products were not inspected or marked in accordance with the provisions of this Act or were [not] otherwise not eligible for transportation under this Act or unless the carrier refuses to furnish on request of a representative of the Secretary the name and address of the person from whom he received such poultry or poultry products, and copies of all documents, if any there be, pertaining to the delivery of the poultry or poultry products to such carrier.

(c) Any person who forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person while engaged in or on account of the performance of his official duties under this Act shall be fined not more than \$5,000 or imprisoned not more than three years, or both. Whoever, in the commission of any such acts, uses a deadly or dangerous weapon, shall be fined not more than \$10,000 or imprisoned not more than ten years, or both. Whoever kills any person while engaged in or on account of the performance of his official duties under this Act shall be punished as provided under sections 1111 and 1114 of title 18, United States Code.

REPORTING OF VIOLATIONS

SEC. 13. Before any violation of this Act is reported by the Secretary to any United States attorney for institution of a criminal proceeding, the person against whom such proceeding is contemplated shall be given reasonable notice of the alleged violation and opportunity to present his views orally or in writing with regard to such contemplated proceeding. Nothing in this Act shall be construed as requiring the Secretary to report for criminal prosecution violations of this Act whenever he believes that the public interest will be adequately served and compliance with the Act obtained by a suitable written notice or warning.

REGULATIONS

SEC. 14. (a) The Secretary may by regulations prescribe conditions under which poultry products capable of use as human food, shall be stored or otherwise handled by any person engaged in the business of buying, selling, freezing, storing, or transporting, in or for commerce, or importing, such articles, whenever the Secretary deems such action necessary to assure that such articles will not be adulterated or misbranded when delivered to the consumer. Violation of any such regulation is prohibited. However, such regulations shall not apply to the storage or handling of such articles at any retail store or other establishment in any State or organized Territory that would be subject to this section only because of purchases in commerce, if the storage and handling of such articles at such establishment is regulated under the laws of the State or Territory in which such establishment is located, in a manner which the Secretary, after consultation with the appropriate advisory committee provided for in section 5 of this Act, determines is adequate to effectuate the purposes of this section.

(b) The Secretary shall promulgate such other rules and regulations as are necessary to carry out the provisions of this Act.

EXEMPTIONS

SEC. 15. (a) The Secretary shall, by regulation and under such conditions as to sanitary standards, practices, and procedures as he may prescribe, exempt from specific provisions of this Act—

(1) [poultry producers with respect to poultry of their own raising on their own farms which they sell directly to household consumers or restaurants, hotels, and boarding houses for use in their own dining rooms or in the preparation of meals for sales direct to consumers only: *Provided*, That such poultry producers do not engage in buying or selling poultry products other than those produced from poultry raised on their own farms;

(2) [retail dealers with respect to poultry products sold directly to consumers in individual retail stores, if the only processing operation performed by such retail dealers is the cutting up of poultry products on the premises where such sales to consumers are made;

[(3)] (2) for such period of time as the Secretary determines that it would be impracticable to provide inspection and the exemption will aid in the effective administration of this Act, any person engaged in the processing of poultry or poultry products for commerce and the poultry or poultry products processed by such person: *Provided, however*, That no such exemption shall continue in effect on and after [July 1, 1960] *January 1, 1970*; and

[(4)] (3) persons slaughtering, processing, or otherwise handling poultry or poultry products which have been or are to be processed as required by recognized religious dietary laws, to the extent that the Secretary determines necessary to avoid conflict with such requirements while still effectuating the purposes of this Act.

(b) *The Secretary may, under such sanitary conditions as he may by regulations prescribe, exempt from the inspection requirements of this Act the slaughter of poultry, and the processing of poultry products, by any person in any Territory not organized with a legislative body, solely for distribution within such Territory, when the Secretary determines that it is impracticable to provide such inspection within the limits of funds appropriated for administration of this Act and that such exemption will aid in the effective administration of this Act.*

(c)(1) *The provisions of this Act shall not apply to (i) poultry producers with respect to poultry of their own raising on their own farms: Provided, That the wholesale dressed value of such poultry which they slaughter on said farms does not exceed \$15,000 during the current calendar year: Provided further, That such poultry producers do not engage in buying or selling poultry products other than those produced from poultry raised on their own farms: Provided further, That none of such poultry moves in commerce (as defined in section 4(a) of this Act): Provided further, That such producers do not engage in selling dressed poultry or poultry products which are not sound, healthful, clean, and otherwise fit for human food; nor (ii) to any person who slaughters, processes, or sells poultry the wholesale dressed value of which does not exceed \$15,000 during the current calendar year: Provided, That none of such poultry moves in commerce (as defined in section 4(a) of this Act): Provided further, That such persons do not engage in selling dressed poultry or poultry products which are not sound, healthful, clean, and otherwise fit for human food; nor (iii) to the*

slaughtering by any person of poultry of his own raising, and the processing by him and transportation in commerce of the poultry products exclusively for use by him and members of his household and his nonpaying guests and employees; nor (iv) to the custom slaughter by any person of poultry delivered by the owner thereof for such slaughter, and the processing by such slaughterer and transportation in commerce of the poultry products exclusively for use, in the household of such owner, by him and members of his household and his nonpaying guests and employees: Provided, That such custom slaughterer does not engage in the business of buying or selling any poultry products capable of use as human food.

(2) In addition to the specific exemptions provided herein the Secretary shall, when he determines that the protection of consumers from adulterated or misbranded poultry products will not be impaired by such action, provide by regulation for further exempting the operation and products of small enterprises (including poultry producers) engaged in slaughtering and/or cutting up poultry for distribution as carcasses or parts thereof, which are subject to the provisions of this Act only under section 5(c) from such provisions of this Act as he deems appropriate, while still protecting the public from adulterated or misbranded products, under such conditions, including sanitary requirements, as he shall prescribe to effectuate the purposes of this Act: Provided, That any such further exemption may be revoked by the Secretary with respect to any establishment if he determines that the operations of an establishment under the exemption have resulted or will result in the distribution of adulterated or misbranded poultry products or that the operator of the establishment has failed to comply with the conditions of exemption.

(d) The adulteration and misbranding provisions of this Act, other than the requirement of the inspection legend, shall apply to articles which are exempted from inspection or not required to be inspected under this section, except as otherwise specified under paragraphs (a) and (c).

[(b)] (e) The Secretary may by order suspend or terminate any exemption under this section with respect to any person whenever he finds that such action will aid in effectuating the purposes of this Act.

[VIOLATIONS BY EXEMPTED PERSONS] ENTRY OF MATERIALS INTO OFFICIAL ESTABLISHMENTS

SEC. 16. [Any person who sells, delivers, transports or offers for sale or transportation in commerce or in a designated major consuming area any poultry or poultry products which are exempt under section 15, and which are unwholesome or adulterated and are intended for human consumption, shall be guilty of a misdemeanor and shall on conviction thereof be subject to the penalties set forth in section 12.] The Secretary may limit the entry of poultry products and other materials into any official establishment, under such conditions as he may prescribe to assure that allowing the entry of such articles into such inspected establishments will be consistent with the purposes of this Act.

IMPORTS

SEC. 17. (a) No slaughtered poultry, or parts or products thereof, of any kind shall be imported into the United States unless they are healthful, wholesome, fit for human food, not adulterated, and contain no dye, chemical, preservative, or ingredient which renders them unhealthful, unwholesome, adulterated, or unfit for human food and

unless they also comply with the rules and regulations made by the Secretary of Agriculture to assure that, imported poultry or poultry products comply with the standards provided for in this Act. All imported, slaughtered poultry, or parts or products thereof, shall after entry into the United States in compliance with such rules and regulations be deemed and treated as domestic slaughtered poultry, or parts or products thereof, within the meaning and subject to the provisions of this Act and the Federal Food, Drug, and Cosmetic Act, and Acts amendatory of, supplemental to, or in substitution for such Acts.

(b) The Secretary of Agriculture is authorized to make rules and regulations to carry out the purposes of this section and in such rules and regulations the Secretary of Agriculture may prescribe the terms and conditions for the destruction of all slaughtered poultry, or parts or products thereof, offered for entry and refused admission into the United States unless such slaughtered poultry, or parts or products thereof, be exported by the consignee within the time fixed therefor in such rules and regulations.

(c) All charges for storage, cartage, and labor with respect to any product which is refused admission pursuant to this section shall be paid by the owner or consignee, and in default of such payment shall constitute a lien against any other products imported thereafter by or for such owner or consignee.

GENERAL PROVISIONS

SEC. 18. (a) [For the purpose of preventing and eliminating burdens on commerce in poultry and poultry products, the jurisdiction of the Secretary within the scope of this Act shall be exclusive and poultry and poultry products shall be exempt from the provisions of the Federal Food, Drug, and Cosmetic Act, as amended, to the extent of the application or the extension thereto of the provisions of this Act.

(b) In carrying out the provisions of this Act, the Secretary may cooperate with other branches of Government and with State agencies and may conduct such examinations, investigations, and inspections as he determines practicable through any officer or employee of a State commissioned by the Secretary for such purpose.] *The Secretary may (for such period, or indefinitely, as he deems necessary to effectuate the purposes of this Act) refuse to provide, or withdraw, inspection service under this Act with respect to any establishment if he determines, after opportunity for a hearing is accorded to the applicant for, or recipient of, such service, that such applicant or recipient is unfit to engage in any business requiring inspection under this Act because the applicant or recipient or anyone responsibly connected with the applicant or recipient, has been convicted, in any Federal or State court, within the previous ten years of (1) any felony or more than one misdemeanor under any law based upon the acquiring, handling, or distributing of adulterated mislabeled, or deceptively packaged food or fraud in connection with transactions in food; or (2) any felony, involving fraud, bribery, extortion, or any other act or circumstance indicating a lack of the integrity needed for the conduct of operations affecting the public health. For the purpose of this paragraph a person shall be deemed to be responsibly connected with the business if he was a partner, officer, director, holder, or owner of 10 per centum or more of its voting stock or employee in a managerial or executive capacity.*

(b) Upon the withdrawal of inspection service from any official establishment for failure to destroy condemned poultry products as required under section 6 of this Act, or other failure of an official establishment to comply with the requirements as to premises, facilities, or equipment, or the operation thereof, as provided in section 7 of this Act, or the refusal of inspection service to any applicant therefor because of failure to comply with any requirements under section 7, the applicant for, or recipient of, the service shall, upon request, be afforded opportunity for a hearing with respect to the merits or validity of such action; but such withdrawal or refusal shall continue in effect unless otherwise ordered by the Secretary.

(c) The determination and order of the Secretary when made after opportunity for hearing, with respect to withdrawal or refusal of inspection service under this Act shall be final and conclusive unless the affected applicant for, or recipient of, inspection service files application for judicial review within thirty days after the effective date of such order in the United States Court of Appeals as provided in section 8 of this Act. Judicial review of any such order shall be upon the record upon which the determination and order are based. The provisions of section 204 of the Packers and Stockyards Act of 1921, as amended, shall be applicable to appeals taken under this section."

SEC. 19. Whenever any poultry product, or any product exempted from the definition of a poultry product, or any dead, dying, disabled, or diseased poultry is found by any authorized representative of the Secretary upon any premises where it is held for purposes of, or during or after distribution in, commerce or otherwise subject to this Act, and there is reason to believe that any such article is adulterated or misbranded and is capable of use as human food, or that it has not been inspected, in violation of the provisions of this Act or of any other Federal law or the laws of any State or Territory, or the District of Columbia, or that it has been or is intended to be, distributed in violation of any such provisions, it may be detained by such representative for a period not to exceed twenty days, pending action under section 20 of this Act or notification of any Federal, State, or other governmental authorities having jurisdiction over such article or poultry, and shall not be moved by any person, from the place at which it is located when so detained, until released by such representative. All official marks may be required by such representative to be removed from such article or poultry before it is released unless it appears to the satisfaction of the Secretary that the article or poultry is eligible to retain such marks.

SEC. 20. (a) Any poultry product, or any dead, dying, disabled, or diseased poultry, that is being transported in commerce or otherwise subject to this Act, or is held for sale in the United States after such transportation, and that (1) is or has been processed, sold, transported, or otherwise distributed or offered or received for distribution in violation of this Act, or (2) is capable of use as human food and is adulterated or misbranded, or (3) in any other way is in violation of this Act, shall be liable to be proceeded against and seized and condemned, at any time, on a libel of information in any United States district court or other proper court as provided in section 21 of this Act within the jurisdiction of which the article or poultry is found. If the article or poultry is condemned it shall, after entry of the decree, be disposed of by destruction or sale as the court may direct and the proceeds, if sold, less the court costs and fees, and storage and other proper expenses, shall be paid into the Treasury of the United States, but the article or poultry shall not be sold contrary to the provisions of this

Act, or the laws of the jurisdiction in which it is sold; Provided: That upon the execution and delivery of a good and sufficient bond conditioned that the article or poultry shall not be sold or otherwise disposed of contrary to the provisions of this Act, or the laws of the jurisdiction in which disposal is made, the court may direct that such article or poultry be delivered to the owner thereof subject to such supervision by authorized representatives of the Secretary as is necessary to insure compliance with the applicable laws. When a decree of condemnation is entered against the article or poultry and it is released under bond, or destroyed, court costs and fees, and storage and other proper expenses shall be awarded against the person, if any, intervening as claimant of the article or poultry. The proceedings in such libel cases shall conform, as nearly as may be, to the proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in any case, and all such proceedings shall be at the suit of and in the name of the United States.

(b) The provisions of this section shall in no way derogate from authority for condemnation or seizure conferred by other provisions of this Act, or other laws.

SEC. 21. The United States district courts, the District Court of Guam, the District Court of the Virgin Islands, the highest court of American Samoa, and the United States courts of the other territories, are vested with jurisdiction specifically to enforce, and to prevent and restrain violations of, this Act, and shall have jurisdiction in all other kinds of cases arising under this Act, except as provided in section 8(d) or 18 of this Act. All proceedings for the enforcement or to restrain violations of this Act shall be by and in the name of the United States. Subpenas for witnesses who are required to attend a court of the United States, in any district, may run into any other district in any such proceeding.

SEC. 22. For the efficient administration and enforcement of this Act, the provisions (including penalties) of sections 6, 8, 9, and 10 of the Federal Trade Commission Act, as amended (38 Stat. 721-723, as amended; 15 U.S.C. 46, 48, 49, and 50) (except paragraphs (c) through (h) of section 6 and the last paragraph of section 9), and the provisions of subsection 409(1) of the Communications Act of 1934 (48 Stat. 1096, as amended; 47 U.S.C. 409(1)), are made applicable to the jurisdiction, powers, and duties of the Secretary in administering and enforcing the provisions of this Act and to any person with respect to whom such authority is exercised. The Secretary, in person or by such agents as he may designate, may prosecute any inquiry necessary to his duties under this Act in any part of the United States, and the powers conferred by said sections 9 and 10 of the Federal Trade Commission Act as amended on the district courts of the United States may be exercised for the purposes of this Act by any court designated in section 21 of this Act.

SEC. 23. Requirements within the scope of this Act with respect to premises, facilities and operations of any official establishment, which are in addition to, or different than those made under this Act may not be imposed by any State or Territory or the District of Columbia, except that any such jurisdiction may impose recordkeeping and other requirements within the scope of paragraph (b) of section 11 of this Act, if consistent therewith, with respect to any such establishment. Marking, labeling, packaging, or ingredient requirements in addition to, or different than those made under this Act may not be imposed by any State or Territory or the District of Columbia with respect to articles prepared at any official establishment in accordance with the requirements under this Act, but any State or Territory or the District of Columbia may, consistent

with the requirements under this Act, exercise concurrent jurisdiction with the Secretary over articles required to be inspected under this Act, for the purpose of preventing the distribution for human food purposes of any such articles which are adulterated or misbranded and are outside of such an establishment, or, in the case of imported articles which are not at such an establishment, after their entry into the United States. This Act shall not preclude any State or Territory or the District of Columbia from making requirement or taking other action, consistent with this Act, with respect to any other matters regulated under this Act.

SEC. 24. (a) Poultry and poultry products shall be exempt from the provisions of the Federal Food, Drug, and Cosmetic Act to the extent of the application or extension thereto of the provisions of this Act, except that the provisions of this Act shall not derogate from any authority conferred by the Federal Food, Drug, and Cosmetic Act prior to enactment of the Wholesome Poultry Products Act.

(b) The detainer authority conferred by section 19 of this Act shall apply to any authorized representative of the Secretary of Health, Education, and Welfare for purposes of the enforcement of the Federal Food, Drug, and Cosmetic Act with respect to any poultry carcass, or part or product thereof, that is outside any official establishment, and for such purposes the first reference to the Secretary in section 19 shall be deemed to refer to the Secretary of Health, Education, and Welfare.

COST OF INSPECTION

SEC. [19] 25. The cost of inspection rendered under the requirements of this Act, shall be borne by the United States, except that the cost of overtime and holiday work performed in establishments subject to the provisions of this Act at such rates as the Secretary may determine shall be borne by such establishments. Sums received by the Secretary in reimbursement for sums paid out by him for such premium pay work shall be available without fiscal year limitation to carry out the purposes of this section.

APPROPRIATIONS

SEC. [20] 26. There is hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.

SEC. 27. The Secretary shall annually report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture and Forestry of the Senate with respect to the slaughter of poultry subject to this Act, and the preparation, storage, handling, and distribution of poultry parts, poultry products, and inspection of establishments operated in connection therewith, including the operations under and the effectiveness of this Act.

SEC. [21] [27] 28. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby.

EFFECTIVE DATE

SEC. [22] [28] 29. This Act shall take effect upon enactment, except that no person shall be subject to the provisions of this Act prior to January 1, 1959, unless such person after January 1, 1958, applies for

and receives inspection for poultry or poultry products in accordance with the provisions of this Act and pursuant to regulations promulgated by the Secretary hereunder, in any establishment processing poultry or poultry products in commerce or in a designated major consuming area. Any person who voluntarily applies for and received such inspection after January 1, 1958, shall be subject, on and after the date he commences to receive such inspection, to all of the provisions and penalties provided for in this Act with respect to all poultry or poultry products handled in the establishment for which such said application for inspection is made.

Section 20 of H.R. 16363 contains the following effective date provisions:

"SEC. 20. This Act shall become effective upon enactment except as provided in paragraphs (a) through (c):

(a) The provisions of subparagraphs (a)(2)(A) and (a)(3) of section 9 of the Poultry Products Inspection Act and the provisions of section 17 of said Act, as amended by sections 9 and 16 of this Act, shall become effective upon the expiration of sixty days after enactment hereof.

(b) Section 14 of this Act, amending section 15 of the Poultry Products Inspection Act, shall become effective upon the expiration of sixty days after enactment hereof.

(c) Paragraph 11(d) of the Poultry Products Inspection Act, as added by section 11 of this Act, shall become effective upon the expiration of sixty days after enactment hereof."

ADDITIONAL VIEWS OF HON. THOMAS S. FOLEY

Overall, H.R. 16163 is good and effective legislation. It will greatly increase consumer protection against diseased and adulterated poultry.

The measure brings under inspection the overwhelming bulk of the 13 percent of poultry slaughtered and processed in the United States—nearly 2 billion pounds—which currently escapes effective health checks. H.R. 16163 would require States to enforce within 2 years—and in some cases, 3 years—inspection programs which are at least equal to the Federal one. The Federal Government would contribute 50 percent of the cost of developing and running these programs aimed at intrastate plants. The bill provides that if a State does not enforce this degree of consumer protection, then Federal inspection would check that State's plants which do not ship across State lines.

Plants whose operations pose special health hazards to the public would be forced to make changes or close down immediately after enactment. And equally important in increasing the coverage of inspection, the bill also raises the effectiveness of the present Federal poultry inspection program by providing it with new authority in a number of important areas.

IMPROVEMENTS IN BILL

The committee, working on the legislation, improved the original bill in two important respects:

The committee deleted a provision which would have permitted plants which are inspected only by a State to ship their products across State lines. Consumer groups, industry organizations, and labor unions, all opposed this provision in testimony before the Livestock and Grains Subcommittee. They said that it would endanger the present Federal inspection program and threaten the uniformity of inspection.

The provision would have given a blank check to State programs which are untried—in fact, to ones which do not even exist right now. While these programs are to be “at least equal” to the Federal one, according to the bill, there are bound to be variations in actual practice. In fact, one large industry trade association warned the committee that if this provision were to stay in the bill, then firms must have the right to decide whether each of their individual plants which ship across State lines should be under Federal or State inspection.

The committee also added the requirement that the Secretary of Agriculture report annually to the appropriate congressional committees on the operations of the Federal and State inspection programs covered by the legislation. A similar provision is contained in the Wholesome Meat Act of 1967. These reports are very important to inform Congress and consumers of the effectiveness of the programs.

UNFORTUNATE AMENDMENTS

The committee also made some unfortunate changes from the original legislation. As a result of these amendments, the legislation

cannot guarantee that the legal sale of filthy and diseased poultry will be totally banned.

These changes do not negate the consumer protection in the legislation, but they do lessen it. They are weaknesses which do not exist in the Wholesome Meat Act. They provide variations from both that act and the Federal Food, Drug, and Cosmetic Act.

These two changes are:

The committee added the word "knowingly" to section 9(a), the prohibited acts provisions. As a result, it will be more difficult for the Government to prosecute violations of the law than it would have been under the original bill, under the Wholesome Meat Act, or under the Federal Food, Drug, and Cosmetic Act. The Government will have to prove intent to violate.

The addition of the word does not provide additional protection against prosecution to a person who unwittingly violates the law or makes a minor infringement. The Department has administrative procedures for adjusting these situations.

In fact, there was not one word of testimony during the 4 days of hearings on the legislation that the Department had harassed or harshly punished any violators of the 10-year-old Poultry Products Inspection Act. Nor was there one charge made that prosecution had been undertaken for a minor or unwitting violation. Nor did any witness ask for the change now contained in the bill.

This amendment will help only those whose violations have been gross and repeated.

MAJOR LOOPHOLE

The committee also wrote a major exemption into the legislation. H.R. 16163 exempts processing plants which handle less than \$15,000 worth of poultry a year. This provision exempts plants which process as many as 30,000 chickens a year.

In addition, H.R. 16163 gives the Secretary discretion to excuse from some requirements farmers who process poultry of their own raising even if they handle more than \$15,000 worth of poultry annually.

I agree that the Secretary should be allowed discretion on the inspection requirements concerning small plants or small farmer-processors. Perhaps even some very small processors should be exempted.

But the \$15,000 exemption is too big a loophole. Also, the complete and total exemption, which the amendment provides, is a license to commit exactly the acts against consumers which we are attempting to prevent.

SPEEDY ACTION

I therefore hope that the House and the other body will speedily approve H.R. 16163 and the President will quickly sign this consumer-protective bill into law. But I also hope that the word "knowingly" will be deleted from the prohibited acts section and the exemption will be modified. We will then be able to point with complete pride to this important addition to the growing arsenal of consumer-protection programs.

THOMAS S. FOLEY.

ADDITIONAL VIEWS OF HON. CATHERINE MAY

I support enactment of H.R. 16363. This bill as approved by the House Committee on Agriculture authorizes cooperative arrangements with State and local authorities through which the Federal Government can help develop and encourage effective State poultry inspection programs. The States would have 2 to 3 years to implement poultry inspection systems at least equal to the Federal program, or Federal inspection would be extended to cover the intrastate activities of those States failing to do so.

The legislation as originally proposed by the administration and supported by the National Association of State Departments of Agriculture contained a provision (sec. 5(c)5 of H.R. 15146) permitting poultry processed under State inspection systems which are at least equal to the Federal program to be shipped in interstate commerce with a combined State-Federal legend. It is unfortunate that the majority of the committee saw fit to delete this provision.

In my view, this was a logical and sound provision, consistent with the intent of the legislation, and should have been retained in the final version of the bill approved by the committee. If the States are to be required to develop programs at least equal to the Federal program and plants selling only in intrastate commerce are to be required to meet standards equal to those provided in Federal law, then there appears to be no valid reason why the poultry inspected under those State programs should not be permitted to be shipped in interstate commerce as well. If this legislation is enacted and effectively administered as presently written, there can be no qualitative difference between State poultry inspection programs and the Federal programs, so there could be no possible difference between the wholesomeness of poultry inspected under those State programs and poultry inspected by Federal inspectors.

In addition, this provision already has precedent in existing law. Under Public Law 87-718 (the Talmadge-Aiken Act) the Secretary of Agriculture is authorized to certify State employees to perform Federal inspection functions under certain conditions. The law provides that in order to avoid duplication of functions, facilities, and personnel, and to attain closer coordination and greater effectiveness and economy in administration of Federal and State laws, the Secretary of Agriculture is authorized to enter into cooperative arrangements with State departments of agriculture and similar State agencies, and to provide that any such State agency which has adequate facilities, personnel, and procedures, may assist the Secretary in the administration and enforcement of Federal regulations.

I would hope that future consideration can be given to amending both this poultry inspection legislation and the Federal Meat Inspection Act to include the provision that products inspected under federally approved State programs should be permitted to be shipped in interstate commerce.

Section 14 of the Poultry Products Inspection Act provides that "The Secretary shall promulgate such rules and regulations as are necessary to carry out the provisions of this act." H.R. 16363 would make no basic change in this authority, but would increase the number of areas to which it could be applied. For example, under this bill, the Secretary of Agriculture could establish standards of identity and fill of container, dietary regulations, color, food additives and pesticide regulations, and labeling and packaging controls.

The U.S. Food and Drug Administration is provided authority under the Food, Drug, and Cosmetic Act to adopt rules and regulations setting standards for foods other than meat and poultry. In establishing such rules, however, FDA is required to adhere to certain rule-making procedures providing safeguards for those who would be affected. These safeguards include right of hearing and judicial review, and are incorporated in subsections (e), (f), and (g) of section 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371 (e), (f), and (g)).

Because of the broader delegation of authority provided for the Secretary of Agriculture in the committee bill, I felt it important that similar safeguards be provided for those who would be affected by the rules and regulations promulgated under this legislation. For this reason I offered the following amendment:

Regulations promulgated by the Secretary under sections 4(g)(2)(D), 4(h)(10), 4(h)(12), 7(a), (a), 8(b), 11(b), and 14(a) of this Act shall be promulgated and shall be subject to judicial review, pursuant to the provisions of subsections (e), (f) and (g) of section 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371 (e), (f) and (g)). Hearings authorized or required for the promulgation of any such regulations by the Secretary shall be conducted by the Secretary or by such officer or employee of the Department of Agriculture as he may designate for that purpose.

After deliberation and discussion, the majority of the committee saw fit not to accept the amendment. In my view, adoption of this or a similar amendment would have provided a more substantial framework for protection of the rights of those affected by administrative rulemaking under this legislation.

CATHERINE MAY.



H. R. 16363

[Report No. 1333]

IN THE HOUSE OF REPRESENTATIVES

APRIL 1, 1968

Mr. PURCELL (for himself, Mr. SMITH of Iowa, and Mr. FOLEY) introduced the following bill; which was referred to the Committee on Agriculture

APRIL 30, 1968

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Omit the part struck through and insert the part printed in italic]

A BILL

To clarify and otherwise amend the Poultry Products Inspection Act, to provide for cooperation with appropriate State agencies with respect to State poultry products inspection programs, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Wholesome Poultry
4 Products Act".

5 SEC. 2. Section 2 of the Poultry Products Inspection
6 Act (71 Stat. 441, as amended; 21 U.S.C. 451) is hereby
7 amended to read:

8 "SEC. 2. Poultry and poultry products are an important
9 source of the Nation's total supply of food. They are con-

1 sumed throughout the Nation and the major portion thereof
2 moves in interstate or foreign commerce. It is essential in
3 the public interest that the health and welfare of consumers
4 be protected by assuring that poultry products distributed to
5 them are wholesome, not adulterated, and properly marked,
6 labeled, and packaged. Unwholesome, adulterated, or mis-
7 branded poultry products impair the effective regulation of
8 poultry products in interstate or foreign commerce, are in-
9 jurious to the public welfare, destroy markets for wholesome,
10 not adulterated, and properly labeled and packaged poultry
11 products, and result in sundry losses to poultry producers and
12 processors of poultry and poultry products, as well as injury
13 to consumers. It is hereby found that all articles and poultry
14 which are regulated under this Act are either in interstate
15 or foreign commerce or substantially affect such commerce,
16 and that regulation by the Secretary of Agriculture and
17 cooperation by the States and other jurisdictions as con-
18 templated by this Act are appropriate to prevent and elimi-
19 nate burdens upon such commerce, to effectively regulate
20 such commerce, and to protect the health and welfare of
21 consumers.”

22 SEC. 3. Section 3 of said Act (21 U.S.C. 452) is hereby
23 amended to read:

24 “SEC. 3. It is hereby declared to be the policy of the Con-
25 gress to provide for the inspection of poultry and poultry

1 products and otherwise regulate the processing and distribu-
2 tion of such articles as hereinafter prescribed to prevent the
3 movement or sale in interstate or foreign commerce of, or
4 the burdening of such commerce by poultry products which
5 are adulterated or misbranded.”

6 SEC. 4. Section 4 of said Act (21 U.S.C. 453) is hereby
7 amended to read: “For purposes of this Act—

8 “(a) The term ‘commerce’ means commerce between
9 any State, any territory, or the District of Columbia, and
10 any place outside thereof; or within any territory not orga-
11 nized with a legislative body, or the District of Columbia.

12 “(b) Except as otherwise provided in this Act, the term
13 ‘State’ means any State of the United States and the Com-
14 monwealth of Puerto Rico.

15 “(c) The term ‘territory’ means Guam, the Virgin Is-
16 lands of the United States, American Samoa, and any other
17 territory or possession of the United States, excluding the
18 Canal Zone.

19 “(d) The term ‘United States’ means the States, the
20 District of Columbia, and the territories of the United States.

21 “(e) The term ‘poultry’ means any domesticated bird,
22 whether live or dead.

23 “(f) The term ‘poultry product’ means any poultry car-
24 cass, or part thereof; or any product which is made wholly or
25 in part from any poultry carcass or part thereof, excepting

1 products which contain poultry ingredients only in a rela-
2 tively small proportion or historically have not been consid-
3 ered by consumers as products of the poultry food industry,
4 and which are exempted by the Secretary from definition
5 as a poultry product under such conditions as the Secretary
6 may prescribe to assure that the poultry ingredients in such
7 products are not adulterated and that such products are not
8 represented as poultry products.

9 “(g) The term ‘adulterated’ shall apply to any poultry
10 product under one or more of the following circumstances:

11 “(1) if it bears or contains any poisonous or dele-
12 terious substance which may render it injurious to
13 health; but in case the substance is not an added sub-
14 stance, such article shall not be considered adulterated
15 under this clause if the quantity of such substance in or
16 on such article does not ordinarily render it injurious to
17 health;

18 “(2) (A) if it bears or contains (by reason of ad-
19 ministration of any substance to the live poultry or other-
20 wise) any added poisonous or added deleterious sub-
21 stance (other than one which is (i) a pesticide chemical
22 in or on a raw agricultural commodity; (ii) a food ad-
23 ditive; or (iii) a color additive) which may, in the
24 judgment of the Secretary, make such article unfit for
25 human food;

1 “ (B) if it is, in whole or in part, a raw agricultural
2 commodity and such commodity bears or contains a
3 pesticide chemical which is unsafe within the meaning
4 of section 408 of the Federal Food, Drug, and Cosmetic
5 Act;

6 “ (C) if it bears or contains any food additive which
7 is unsafe within the meaning of section 409 of the Fed-
8 eral Food, Drug, and Cosmetic Act;

9 “ (D) if it bears or contains any color additive
10 which is unsafe within the meaning of section 706 of
11 the Federal Food, Drug, and Cosmetic Act: *Provided,*
12 That an article which is not otherwise deemed adulter-
13 ated under clause (B), (C), or (D) shall nevertheless
14 be deemed adulterated if use of the pesticide chemical,
15 food additive, or color additive in or on such article is
16 prohibited by regulations of the Secretary in official
17 establishments;

18 “ (3) if it consists in whole or in part of any filthy,
19 putrid, or decomposed substance or is for any other rea-
20 son unsound, unhealthful, unwholesome, or otherwise
21 unfit for human food;

22 “ (4) if it has been prepared, packed, or held under
23 insanitary conditions whereby it may have become con-
24 taminated with filth, or whereby it may have been ren-
25 dered injurious to health;

1 “(5) if it is, in whole or in part, the product of any
2 poultry which has died otherwise than by slaughter;

3 “(6) if its container is composed, in whole or in
4 part, of any poisonous or deleterious substance which
5 may render the contents injurious to health;

6 “(7) if it has been intentionally subjected to radia-
7 tion, unless the use of the radiation was in conformity
8 with a regulation or exemption in effect pursuant to sec-
9 tion 409 of the Federal Food, Drug, and Cosmetic
10 Act; or

11 “(8) if any valuable constituent has been in whole
12 or in part omitted or abstracted therefrom; or if any sub-
13 stance has been substituted, wholly or in part therefor;
14 or if damage or inferiority has been concealed in any
15 manner; or if any substance has been added thereto or
16 mixed or packed therewith so as to increase its bulk or
17 weight, or reduce its quality or strength, or make it
18 appear better or of greater value than it is.

19 “(h) The term ‘misbranded’ shall apply to any poultry
20 product under one or more of the following circumstances:

21 “(1) if its labeling is false or misleading in any
22 particular;

23 “(2) if it is offered for sale under the name of an-
24 other food;

25 “(3) if it is an imitation of another food, unless its

1 label bears, in type of uniform size and prominence, the
2 word 'imitation' and immediately thereafter, the name
3 of the food imitated;

4 “(4) if its container is so made, formed, or filled as
5 to be misleading;

6 “(5) unless it bears a label showing (A) the name
7 and the place of business of the manufacturer, packer,
8 or distributor; and (B) an accurate statement of the
9 quantity of the product in terms of weight, measure, or
10 numerical count: *Provided*, That under clause (B) of
11 this subparagraph (5), reasonable variations may be
12 permitted, and exemptions as to small packages or
13 articles not in packages or other containers may be estab-
14 lished by regulations prescribed by the Secretary;

15 “(6) if any word, statement, or other information
16 required by or under authority of this Act to appear on
17 the label or other labeling is not prominently placed
18 thereon with such conspicuousness (as compared with
19 other words, statements, designs, or devices, in the
20 labeling) and in such terms as to render it likely to be
21 read and understood by the ordinary individual under
22 customary conditions of purchase and use;

23 “(7) if it purports to be or is represented as a food
24 for which a definition and standard of identity or compo-

1 sition has been prescribed by regulations of the Secre-
2 tary under section 8 of this Act unless (A) it conforms
3 to such definition and standard, and (B) its label bears
4 the name of the food specified in the definition and stand-
5 ard and, insofar as may be required by such regulations,
6 the common names of optional ingredients (other than
7 spices, flavoring, and coloring) present in such food;

8 “(8) if it purports to be or is represented as a food
9 for which a standard or standards of fill of container have
10 been prescribed by regulations of the Secretary under
11 section 8 of this Act, and it falls below the standard of
12 fill of container applicable thereto, unless its label bears,
13 in such manner and form as such regulations specify, a
14 statement that it falls below such standard;

15 “(9) if it is not subject to the provisions of subpara-
16 graph (7), unless its label bears (A) the common or
17 usual name of the food, if any there be, and (B) in case
18 it is fabricated from two or more ingredients, the com-
19 mon or usual name of each such ingredient; except that
20 spices, flavorings, and colorings may, when authorized
21 by the Secretary, be designated as spices, flavorings,
22 and colorings without naming each: *Provided*, That to
23 the extent that compliance with the requirements of
24 clause (B) of this subparagraph (9) is impracticable
25 or results in deception or unfair competition, exemptions

1 shall be established by regulations promulgated by the
2 Secretary;

3 “(10) if it purports to be or is represented for
4 special dietary uses unless its label bears such informa-
5 tion concerning its vitamin, mineral, and other dietary
6 properties as the Secretary, after consultation with the
7 Secretary of Health, Education, and Welfare, determines
8 to be, and by regulations prescribes as, necessary in order
9 fully to inform purchasers as to its value for such uses;

10 “(11) if it bears or contains any artificial flavoring,
11 artificial coloring, or chemical preservative, unless it
12 bears labeling stating that fact: *Provided*, That, to the
13 extent that compliance with the requirements of this
14 subparagraph (11) is impracticable, exemptions shall
15 be established by regulations promulgated by the Secre-
16 tary; or

17 “(12) if it fails to bear on its containers, and in the
18 case of nonconsumer packaged carcasses directly thereon,
19 as the Secretary may by regulations prescribe, the official
20 inspection legend and official establishment number of the
21 establishment where the article was processed, and, un-
22 restricted by any of the foregoing, such other information
23 as the Secretary may require in such regulations to assure
24 that it will not have false or misleading labeling and that

1 the public will be informed of the manner of handling
2 required to maintain the article in a wholesome condition.

3 “(i) The term ‘Secretary’ means the Secretary of Agri-
4 culture or his delegate.

5 “(j) The term ‘person’ means any individual, partner-
6 ship, corporation, association, or other business unit.

7 “(k) The term ‘inspector’ means: (1) an employee or
8 official of the United States Government authorized by the
9 Secretary to inspect poultry and poultry products under the
10 authority of this Act, or (2) any employee or official of the
11 government of any State or territory or the District of
12 Columbia authorized by the Secretary to inspect poultry and
13 poultry products under authority of this Act, under an agree-
14 ment entered into between the Secretary and the appropriate
15 State or other agency.

16 “(l) The term ‘official mark’ means the official inspec-
17 tion legend or any other symbol prescribed by regulations of
18 the Secretary to identify the status of any article or poultry
19 under this Act.

20 “(m) The term ‘official inspection legend’ means any
21 symbol prescribed by regulations of the Secretary showing
22 that an article was inspected and passed in accordance with
23 this Act.

24 “(n) The term ‘official certificate’ means any certificate
25 prescribed by regulations of the Secretary for issuance by an

1 inspector or other person performing official functions under
2 this Act.

3 “(o) The term ‘official device’ means any device pre-
4 scribed or authorized by the Secretary for use in applying
5 any official mark.

6 “(p) The term ‘official establishment’ means any estab-
7 lishment as determined by the Secretary at which inspection
8 of the slaughter of poultry, or the processing of poultry prod-
9 ucts, is maintained under the authority of this Act.

10 “(q) The term ‘inspection service’ means the official
11 Government service within the Department of Agriculture
12 designated by the Secretary as having the responsibility for
13 carrying out the provisions of this Act.

14 “(r) The term ‘container’ or ‘package’ includes any box,
15 can, tin, cloth, plastic, or other receptacle, wrapper, or cover.

16 “(s) The term ‘label’ means a display of written,
17 printed, or graphic matter upon any article or the immediate
18 container (not including package liners) of any article; and
19 the term ‘labeling’ means all labels and other written,
20 printed, or graphic matter (1) upon any article or any of
21 its containers or wrappers, or (2) accompanying such
22 article.

23 “(t) The term ‘shipping container’ means any container
24 used or intended for use in packaging the product packed in
25 an immediate container.

1 “(u) The term ‘immediate container’ includes any con-
2 sumer package; or any other container in which poultry
3 products, not consumer packaged, are packed.

4 “(v) The term ‘capable of use as human food’ shall
5 apply to any carcass, or part or product of a carcass, of any
6 poultry, unless it is denatured or otherwise identified as re-
7 quired by regulations prescribed by the Secretary to deter its
8 use as human food, or it is naturally inedible by humans.

9 “(w) The term ‘processed’ means slaughtered, canned,
10 salted, stuffed, rendered, boned, cut up, or otherwise manu-
11 factured or processed.

12 “(x) The term ‘Federal Food, Drug, and Cosmetic
13 Act’ means the Act so entitled, approved June 25, 1938
14 (52 Stat. 1040), and Acts amendatory thereof or supple-
15 mentary thereto.

16 “(y) The terms ‘pesticide chemical’, ‘food additive’,
17 ‘color additive’, and ‘raw agricultural commodity’ shall have
18 the same meanings for purposes of this Act as under the
19 Federal Food, Drug, and Cosmetic Act.

20 “(z) The term ‘poultry products broker’ means any
21 person engaged in the business of buying or selling poultry
22 products on commission, or otherwise negotiating purchases
23 or sales of such articles other than for his own account or as
24 an employee of another person.

25 “(aa) The term ‘renderer’ means any person engaged

1 in the business of rendering carcasses, or parts or products
2 of the carcasses, of poultry, except rendering conducted
3 under inspection or exemption under this Act.

4 “(bb) The term ‘animal food manufacturer’ means any
5 person engaged in the business of manufacturing or process-
6 ing animal food derived wholly or in part from carcasses, or
7 parts or products of the carcasses, of poultry.”

8 SEC. 5. Section 5 of said Act (21 U.S.C. 454) is hereby
9 amended to read:

10 “SEC. 5. (a) It is the policy of the Congress to protect
11 the consuming public from poultry products that are adulter-
12 ated or misbranded and to assist in efforts by State and other
13 Government agencies to accomplish this objective. In fur-
14 therance of this policy—

15 “(1) The Secretary is authorized, whenever he
16 determines that it would effectuate the purposes of this
17 Act, to cooperate with the appropriate State agency in
18 developing and administering a State poultry product
19 inspection program in any State which has enacted a
20 mandatory State poultry product inspection law that im-
21 poses ante-mortem and post-mortem inspection, reinspec-
22 tion and sanitation requirements that are at least equal to
23 those under this Act, with respect to all or certain classes
24 of persons engaged in the State in slaughtering poultry or

1 processing poultry products for use as human food solely
2 for distribution within such State.

3 “(2) The Secretary is further authorized, whenever
4 he determines that it would effectuate the purposes of
5 this Act, to cooperate with appropriate State agencies
6 in developing and administering State programs under
7 State laws containing authorities at least equal to those
8 provided in section 11 of this Act; and to cooperate with
9 other agencies of the United States in carrying out any
10 provisions of this Act. In carrying out the provisions of
11 this Act, the Secretary may conduct such examinations,
12 investigations, and inspections as he determines practi-
13 cable through any officer or employee of any State or
14 Territory or the District of Columbia commissioned by
15 the Secretary for such purpose.

16 “(3) Cooperation with State agencies under this
17 section may include furnishing to the appropriate State
18 agency (i) advisory assistance in planning and otherwise
19 developing an adequate State program under the State
20 law; and (ii) technical and laboratory assistance and
21 training (including necessary curricular and instruc-
22 tional materials and equipment), and financial and other
23 aid for administration of such a program. The amount
24 to be contributed to any State by the Secretary under
25 this section from Federal funds for any year shall not

1 exceed 50 per centum of the estimated total cost of the
2 cooperative program; and the Federal funds shall be
3 allocated among the States desiring to cooperate on an
4 equitable basis. Such cooperation and payment shall be
5 contingent at all times upon the administration of the
6 State program in a manner which the Secretary, in con-
7 sultation with the appropriate advisory committee ap-
8 pointed under subparagraph (4), deems adequate to
9 effectuate the purposes of this section.

10 “(4) The Secretary may appoint advisory commit-
11 tees consisting of such representatives of appropriate
12 State agencies as the Secretary and the State agencies
13 may designate to consult with him concerning State
14 and Federal programs with respect to poultry product in-
15 spection and other matters within the scope of this Act,
16 including evaluating State programs for purposes of this
17 Act and obtaining better coordination and more uni-
18 formity among the State programs and between the Fed-
19 eral and State programs and adequate protection of
20 consumers.

21 “(b) The appropriate State agency with which the
22 Secretary may cooperate under this Act shall be a single
23 agency in the State which is primarily responsible for the
24 coordination of the State programs having objectives similar
25 to those under this Act. When the State program includes

1 performance of certain functions by a municipality or other
2 subordinate governmental unit, such unit shall be deemed to
3 be a part of the State agency for purposes of this section.

4 “(c) (1) If the Secretary has reason to believe, by
5 thirty days prior to the expiration of two years after enact-
6 ment of the Wholesome Poultry Products Act, that a State
7 has failed to develop or is not enforcing, with respect to all
8 establishments within its jurisdiction (except those that
9 would be exempted from Federal inspection under subpara-
10 graph (2) of this paragraph (c)) at which poultry are
11 slaughtered, or poultry products are processed for use as
12 human food, solely for distribution within such State, and the
13 products of such establishments, requirements at least equal
14 to those imposed under sections 1-4, 6-10, and 12-22 of this
15 Act, he shall promptly notify the Governor of the State of
16 this fact. If the Secretary determines, after consultation with
17 the Governor of the State, or representative selected by him,
18 that such requirements have not been developed and acti-
19 vated, he shall promptly after the expiration of such two-
20 year period designate such State as one in which the provi-
21 sions of said sections of this Act shall apply to operations
22 and transactions wholly within such State: *Provided*, That if
23 the Secretary has reason to believe that the State will acti-
24 vate such requirements within one additional year, he may
25 delay such designation for said period, and not designate the

1 State, if he determines at the end of the year that the State
2 then has such requirements in effective operation. The Secre-
3 tary shall publish any such designation in the Federal Regis-
4 ter and, upon the expiration of thirty days after such publi-
5 cation, the provisions of said sections of this Act shall apply
6 to operations and transactions and to persons engaged there-
7 in in the State to the same extent and in the same manner
8 as if such operations and transactions were conducted in or
9 for commerce. However, notwithstanding any other provi-
10 sion of this section, if the Secretary determines that any
11 establishment within a State is producing adulterated poul-
12 try products for distribution within such State which would
13 clearly endanger the public health he shall notify the Gover-
14 nor of the State and the appropriate advisory committee
15 provided for by subparagraph (a) (4) of this section of such
16 fact for effective action under State or local law. If the State
17 does not take action to prevent such endangering of the
18 public health within a reasonable time after such notice, as
19 determined by the Secretary, in light of the risk to public
20 health, the Secretary may forthwith designate any such
21 establishment as subject to the provisions of said sections of
22 this Act, and thereupon the establishment and operator
23 thereof shall be subject to such provisions as though engaged
24 in commerce until such time as the Secretary determines that

1 such State has developed and will enforce requirements at
2 least equal to those imposed under said sections.

3 “(2) The provisions of this Act requiring inspection of
4 the slaughter of poultry and the processing of poultry prod-
5 ucts shall not apply to operations of types traditionally and
6 usually conducted at retail stores and restaurants, when con-
7 ducted at any retail store or restaurant or similar retail-type
8 establishment for sale in normal retail quantities or service
9 of such articles to consumers at such establishments if such
10 establishments are subject to such inspection provisions only
11 under this paragraph (c).

12 “(3) Whenever the Secretary determines that any State
13 designated under this paragraph (c) has developed and will
14 enforce State poultry products inspection requirements at
15 least equal to those imposed under the aforesaid sections of
16 this Act, with respect to the operations and transactions
17 within such State which are regulated under subparagraph
18 (1) of this paragraph (c), he shall terminate the designation
19 of such State under this paragraph (c), but this shall not
20 preclude the subsequent redesignation of the State at any
21 time upon thirty days’ notice to the Governor and publication
22 in the Federal Register in accordance with this paragraph.
23 and any State may be designated upon such notice and
24 publication, at any time after the period specified in this
25 paragraph whether or not the State has theretofore been

1 designated, upon the Secretary determining that it is not
2 effectively enforcing requirements at least equal to those
3 imposed under said sections.

4 “(4) The Secretary shall promptly upon enactment of
5 the Wholesome Poultry Products Act, and periodically there-
6 after, but at least annually, review the requirements, includ-
7 ing the enforcement thereof, of the several States not desig-
8 nated under this paragraph (c), with respect to the slaugh-
9 ter, and the processing, storage, handling, and distribution of
10 poultry products, and inspection of such operations, and
11 annually report thereon to the Committee on Agriculture of
12 the House of Representatives and the Committee on Agricul-
13 ture and Forestry of the Senate in the report required in sec-
14 tion 27 of the Wholesome Poultry Products Act.

15 “(d) As used in this section, the term ‘State’ means
16 any State (including the Commonwealth of Puerto Rico) or
17 organized territory.”

18 SEC. 6. Section 6 of said Act (21 U.S.C. 455) is
19 hereby amended as follows:

20 (a) Paragraph (a) is amended to read:

21 “(a) For the purpose of preventing the entry into or
22 flow or movement in commerce of, or the burdening of
23 commerce by, any poultry product which is capable of use
24 as human food and is adulterated, the Secretary shall, where
25 and to the extent considered by him necessary, cause to be

1 made by inspectors ante mortem inspection of poultry in
2 each official establishment processing poultry or poultry
3 products for commerce or otherwise subject to inspection
4 under this Act.”

5 (b) Paragraph (b) is amended by deleting the phrase
6 “in, or for marketing in a designated city or area” and sub-
7 stituting the phrase “otherwise subject to inspection under
8 this Act”; by inserting the word “and” before the word
9 “reinspection”; and by inserting the phrase “capable of use
10 as human food” after the phrase “poultry products” the
11 first time the latter phrase appears in the paragraph.

12 (c) Paragraph (c) is amended by deleting the phrase
13 “unwholesome or” and the phrase “not unwholesome and”
14 each time they appear therein; and by inserting the word
15 “other” before the phrase “poultry products”.

16 SEC. 7. In section 7 of said Act (21 U.S.C. 456) para-
17 graph (a) is hereby amended by deleting the phrase “in or
18 for marketing in a designated major consuming area” and
19 substituting the phrase “otherwise subject to inspection under
20 this Act”; by deleting the phrase “in a designated major
21 consuming area” and substituting the phrase “burdensome
22 effect upon commerce”; and by deleting the phrase “un-
23 wholesome or”.

24 SEC. 8. Section 8 of said Act (21 U.S.C. 457) is hereby
25 amended to read:

1 “SEC. 8. (a) All poultry products inspected at any offi-
2 cial establishment under the authority of this Act and found
3 to be not adulterated, shall at the time they leave the estab-
4 lishment bear, in distinctly legible form, on their shipping
5 containers and immediate containers, and in the case of non-
6 consumer packaged carcasses directly thereon, as the Secre-
7 tary may require, the information required under paragraph
8 (h) of section 4 of this Act.

9 “(b) The Secretary, whenever he determines such ac-
10 tion is necessary for the protection of the public, may pre-
11 scribe: (1) the styles and sizes of type to be used with respect
12 to material required to be incorporated in labeling to avoid
13 false or misleading labeling in marketing and labeling any
14 articles or poultry subject to this Act; (2) definitions and
15 standards of identity or composition or articles subject to this
16 Act and standards of fill of container for such articles not in-
17 consistent with any such standards established under the
18 Federal Food, Drug, and Cosmetic Act, and there shall be
19 consultation between the Secretary and the Secretary of
20 Health, Education, and Welfare prior to the issuance of such
21 standards under either Act relating to articles subject to this
22 Act to avoid inconsistency in such standards and possible
23 impairment of the coordinated effective administration of
24 these Acts. There shall also be consultation between the Sec-

1 retary and an appropriate advisory committee provided for
2 in section 5 of this Act, prior to the issuance of such stand-
3 ards under this Act, to avoid, insofar as feasible, inconsistency
4 between Federal and State standards.

5 “(c) No article subject to this Act shall be sold or offered
6 for sale by any person in commerce, under any name or
7 other marking or labeling which is false or misleading, or in
8 any container of a misleading form or size, but established
9 trade names and other marking and labeling and containers
10 which are not false or misleading and which are approved
11 by the Secretary are permitted.

12 “(d) If the Secretary has reason to believe that any
13 marking or labeling or the size or form of any container in
14 use or proposed for use with respect to any article subject
15 to this Act is false or misleading in any particular, he may
16 direct that such use be withheld unless the marking, label-
17 ing, or container is modified in such manner as he may pre-
18 scribe so that it will not be false or misleading. If the person
19 using or proposing to use the marking, labeling, or container
20 does not accept the determination of the Secretary, such
21 person may request a hearing, but the use of the marking,
22 labeling, or container shall, if the Secretary so directs, be
23 withheld pending hearing and final determination by the
24 Secretary. Any such determination by the Secretary shall
25 be conclusive unless, within thirty days after receipt of

1 notice of such final determination, the person adversely
2 affected thereby appeals to the United States Court of Ap-
3 peals for the circuit in which such person has its principal
4 place of business or to the United States Court of Appeals
5 for the District of Columbia Circuit. The provisions of sec-
6 tion 204 of the Packers and Stockyards Act, 1921 (42
7 Stat. 162, as amended; 7 U.S.C. 194), shall be applicable
8 to appeals taken under this section.”

9 SEC. 9. Section 9 of said Act (21 U.S.C. 458) is
10 amended to read:

11 “SEC. 9. (a) No person shall knowingly—

12 “(1) slaughter any poultry or process any poultry
13 products which are capable of use as human food at any
14 establishment processing any such articles for commerce,
15 except in compliance with the requirements of this Act;

16 “(2) sell, transport, offer for sale or transportation,
17 or receive for transportation, in commerce, (A) any
18 poultry products which are capable of use as human food
19 and are adulterated or misbranded at the time of such
20 sale, transportation, offer for sale or transportation, or
21 receipt for transportation; or (B) any poultry products
22 required to be inspected under this Act unless they have
23 been so inspected and passed;

24 “(3) do, with respect to any poultry products which

1 are capable of use as human food, any act while they
2 are being transported in commerce or held for sale after
3 such transportation, which is intended to cause or has
4 the effect of causing such products to be adulterated or
5 misbranded;

6 “(4) sell, transport, offer for sale or transporta-
7 tion, or receive for transportation, in commerce or from
8 an official establishment, any slaughtered poultry from
9 which the blood, feathers, feet, head, or viscera have
10 not been removed in accordance with regulations pro-
11 mulgated by the Secretary, except as may be authorized
12 by regulations of the Secretary;

13 “(5) use to his own advantage, or reveal other
14 than to the authorized representatives of the United
15 States Government or any State or other government
16 in their official capacity, or as ordered by a court in any
17 judicial proceedings, any information acquired under the
18 authority of this Act concerning any matter which is
19 entitled to protection as a trade secret.

20 “(b) No brand manufacturer, printer, or other person
21 shall cast, print, lithograph, or otherwise make any device
22 containing any official mark or simulation thereof, or any
23 label bearing any such mark or simulation, or any form of
24 official certificate or simulation thereof, except as authorized
25 by the Secretary,

1 “(c) No person shall—

2 “(1) forge any official device, mark, or certificate;

3 “(2) without authorization from the Secretary use
4 any official device, mark, or certificate, or simulation
5 thereof, or alter, detach, deface, or destroy any official
6 device, mark, or certificate;

7 “(3) contrary to the regulations prescribed by the
8 Secretary, fail to use, or to detach, deface, or destroy any
9 official device, mark, or certificate;

10 “(4) knowingly possess, without promptly notify-
11 ing the Secretary or his representative, any official de-
12 vice or any counterfeit, simulated, forged, or improperly
13 altered official certificate or any device or label or any
14 carcass of any poultry, or part or product thereof, bear-
15 ing any counterfeit, simulated, forged, or improperly
16 altered official mark;

17 “(5) knowingly make any false statement in any
18 shippers certificate or other nonofficial or official certifi-
19 cate provided for in the regulations prescribed by the
20 Secretary; or

21 “(6) knowingly represent that any article has been
22 inspected and passed, or exempted, under this Act when,
23 in fact, it has, respectively, not been so inspected and
24 passed, or exempted.”

25 SEC. 10. Section 10 of said Act (21 U.S.C. 459) is

1 hereby amended by deleting the phrase "in or for marketing
2 in a designated major consuming area" and substituting the
3 phrase "otherwise subject to this Act".

4 SEC. 11. Section 11 of said Act (21 U.S.C. 460) is
5 hereby amended to read:

6 "(a) Inspection shall not be provided under this Act
7 at any establishment for the slaughter of poultry or the
8 processing of any carcasses or parts or products of poultry,
9 which are not intended for use as human food, but such
10 articles shall, prior to their offer for sale or transportation
11 in commerce, unless naturally inedible by humans, be de-
12 natured or otherwise identified as prescribed by regulations
13 of the Secretary to deter their use for human food. No person
14 shall buy, sell, transport, or offer for sale or transportation,
15 or receive for transportation, in commerce, or import, any
16 poultry carcasses or parts or products thereof which are not
17 intended for use as human food unless they are denatured or
18 otherwise identified as required by the regulations of the
19 Secretary or are naturally inedible by humans.

20 "(b) The following classes of persons shall, for such
21 period of time as the Secretary may by regulations prescribe,
22 not to exceed two years unless otherwise directed by the Sec-
23 retary for good cause shown, keep such records as are proper-
24 ly necessary for the effective enforcement of this Act in order
25 to insure against adulterated or misbranded poultry products

1 for the American consumer; and all persons subject to such
2 requirements shall, at all reasonable times, upon notice by a
3 duly authorized representative of the Secretary, afford such
4 representative access to their places of business and opportu-
5 nity to examine the facilities, inventory, and records thereof,
6 to copy all such records, and to take reasonable samples of
7 their inventory upon payment of the fair market value
8 therefor—

9 “(1) Any person that engages in the business of
10 slaughtering any poultry or processing, freezing, packag-
11 ing, or labeling any carcasses, or parts or products of
12 carcasses, of any poultry, for commerce, for use as human
13 food or animal food;

14 “(2) Any person that engages in the business of
15 buying or selling (as poultry products brokers, whole-
16 salers or otherwise), or transporting, in commerce, or
17 storing in or for commerce, or importing, any carcasses,
18 or parts or products of carcasses, of any poultry;

19 “(3) Any person that engages in business, in or
20 for commerce, as a renderer, or engages in the business
21 of buying, selling, or transporting, in commerce, or im-
22 porting, any dead, dying, disabled, or diseased poultry
23 or parts of the carcasses of any poultry that died other-
24 wise than by slaughter.

1 “(c) No person shall engage in business, in or for com-
2 merce, as a poultry products broker, renderer, or animal food
3 manufacturer, or engage in business in commerce as a whole-
4 saler of any carcasses, or parts or products of the carcasses,
5 of any poultry, whether intended for human food or other
6 purposes, or engage in business as a public warehouseman
7 storing any such articles in or for commerce, or engage in
8 the business of buying, selling, or transporting in commerce,
9 or importing, any dead, dying, disabled, or diseased poultry,
10 or parts of the carcasses of any poultry that died otherwise
11 than by slaughter, unless, when required by regulations of
12 the Secretary, he has registered with the Secretary his name,
13 and the address of each place of business at which, and all
14 trade names under which, he conducts such business.

15 “(d) No person engaged in the business of buying, sell-
16 ing, or transporting in commerce, or importing, dead, dying,
17 disabled, or diseased poultry, or any parts of the carcasses of
18 any poultry that died otherwise than by slaughter, shall buy,
19 sell, transport, offer for sale or transportation, or receive for
20 transportation, in commerce, or import, any dead, dying, dis-
21 abled, or diseased poultry or parts of the carcasses of any
22 poultry that died otherwise than by slaughter, unless such
23 transaction, transportation or importation is made in accord-
24 ance with such regulations as the Secretary may prescribe to
25 assure that such poultry, or the unwholesome parts or prod-

1 ucts thereof, will be prevented from being used for human
2 food.

3 “(e) The authority conferred on the Secretary by para-
4 graph (b), (c), or (d) of this section with respect to per-
5 sons engaged in the specified kinds of business in or for
6 commerce may be exercised with respect to persons engaged,
7 in any State or organized territory, in such kinds of business
8 but not in or for commerce, whenever the Secretary deter-
9 mines, after consultation with an appropriate advisory com-
10 mittee provided for in section 5 of this Act, that the State or
11 territory does not have at least equal authority under its
12 laws or such authority is not exercised in a manner to effec-
13 tuate the purposes of this Act, including the State or territory
14 providing for the Secretary or his representative being af-
15 forded access to such places of business and the facilities,
16 inventories, and records thereof, and the taking of reasonable
17 samples, where he determines necessary in carrying out his
18 responsibilities under this Act; and in such case the pro-
19 visions of paragraph (b), (c), or (d) of this section, re-
20 spectively, shall apply to such persons to the same extent and
21 in the same manner as if they were engaged in such busi-
22 ness in or for commerce and the transactions involved were
23 in commerce.”

24 SEC. 12. Section 12 of said Act (21 U.S.C. 461) is
25 hereby amended as follows:

1 (a) Paragraph (a) is amended by changing the first
2 sentence to read:

3 “Any person who violates the provisions of section 9,
4 10, 11, 14, or 17 of this Act shall be fined not more than
5 \$1,000 or imprisoned not more than one year, or both;
6 but if such violation involves intent to defraud, or any dis-
7 tribution or attempted distribution of an article that is adulter-
8 ated (except as defined in section 4 (g) (8) of this Act),
9 such person shall be fined not more than \$10,000 or impris-
10 oned not more than three years, or both.”

11 (b) Paragraph (b) is amended by deleting the phrase
12 “not otherwise eligible” and substituting the phrase “other-
13 wise not eligible”; by deleting the word “slaughtered” each
14 time it appears; and by adding the following before the
15 period at the end of the paragraph: “or unless the carrier
16 refuses to furnish on request of a representative of the Secre-
17 tary the name and address of the person from whom he re-
18 ceived such poultry or poultry products, and copies of all
19 documents, if any there be, pertaining to the delivery of
20 the poultry or poultry products to such carrier”.

21 (c) A new paragraph (c) is added to read:

22 “(c) Any person who forcibly assaults, resists, opposes,
23 impedes, intimidates, or interferes with any person while
24 engaged in or on account of the performance of his official
25 duties under this Act shall be fined not more than \$5,000

1 or imprisoned not more than three years, or both. Who-
2 ever, in the commission of any such acts, uses a deadly or
3 dangerous weapon, shall be fined not more than \$10,000
4 or imprisoned not more than ten years, or both. Whoever
5 kills any person while engaged in or on account of the per-
6 formance of his official duties under this Act shall be punished
7 as provided under sections 1111 and 1114 of title 18,
8 United States Code.”

9 SEC. 13. Section 14 of said Act (21 U.S.C. 463) is
10 hereby amended by designating the present provisions thereof
11 as paragraph (b) ; by inserting the word “other” before the
12 word “rules” in said paragraph; and by adding a new para-
13 graph (a) to read:

14 “(a) The Secretary may by regulations prescribe con-
15 ditions under which poultry products capable of use as human
16 food, shall be stored or otherwise handled by any person en-
17 gaged in the business of buying, selling, freezing, storing, or
18 transporting, in or for commerce, or importing, such articles,
19 whenever the Secretary deems such action necessary to as-
20 sure that such articles will not be adulterated or misbranded
21 when delivered to the consumer. Violation of any such regu-
22 lation is prohibited. However, such regulations shall not
23 apply to the storage or handling of such articles at any retail
24 store or other establishment in any State or organized Terri-
25 tory that would be subject to this section only because of pur-

1 chases in commerce, if the storage and handling of such
2 articles at such establishment is regulated under the laws of
3 the State or Territory in which such establishment is located,
4 in a manner which the Secretary, after consultation with the
5 appropriate advisory committee provided for in section 5 of
6 this Act, determines is adequate to effectuate the purposes of
7 this section.”

8 SEC. 14. Section 15 of said Act (21 U.S.C. 464) is
9 hereby amended as follows:

10 (a) In paragraph (a), subparagraph (1) is deleted
11 and subparagraphs (2), (3), and (4) are redesignated,
12 respectively, as subparagraphs (1), (2), and (3) ;

13 (b) In paragraph (a), in redesignated subparagraph
14 (2) (formerly (3)), the date “July 1, 1960” is deleted and
15 the date “January 1, 1970” is substituted therefor;

16 (c) Paragraph (b) is redesignated as paragraph (e)
17 and new paragraphs (b), (c), and (d) are added to read:

18 “(b) The Secretary may, under such sanitary conditions
19 as he may by regulations prescribe, exempt from the inspec-
20 tion requirements of this Act the slaughter of poultry, and
21 the processing of poultry products, by any person in any
22 Territory not organized with a legislative body, solely for
23 distribution within such Territory, when the Secretary deter-
24 mines that it is impracticable to provide such inspection with-
25 in the limits of funds appropriated for administration of this

1 Act and that such exemption will aid in the effective adminis-
2 tration of this Act.

3 “(c) (1) The provisions of this Act shall not apply to
4 (i) poultry producers with respect to poultry of their own
5 raising on their own farms: *Provided*, That the wholesale
6 dressed value of such poultry which they slaughter on said
7 farms does not exceed \$15,000 during the current calendar
8 year: *Provided further*, That such poultry producers do not
9 engage in buying or selling poultry products other than those
10 produced from poultry raised on their own farms: *Provided*
11 *further*, That none of such poultry moves in commerce (as
12 defined in section 4 (a) of this Act) : *Provided further*, That
13 *such producers do not engage in selling dressed poultry or*
14 *poultry products which are not sound, healthful, clean, and*
15 *otherwise fit for human food*; nor (ii) to any person who
16 slaughters, processes, or sells poultry the wholesale dressed
17 value of which does not exceed \$15,000 during the current
18 calendar year: *Provided*, That none of such poultry moves in
19 commerce (as defined in section 4 (a) of this Act) : *Pro-*
20 *vided further*, That *such persons do not engage in selling*
21 *dressed poultry or poultry products which are not sound,*
22 *healthful, clean, and otherwise fit for human food*; nor (iii)
23 to the slaughtering by any person of poultry of his own rais-
24 ing, and the processing by him and transportation in com-
25 merce of the poultry products exclusively for use by him and

1 members of his household and his nonpaying guests and em-
2 ployees; nor (iv) to the custom slaughter by any person of
3 poultry delivered by the owner thereof for such slaughter,
4 and the processing by such slaughterer and transportation in
5 commerce of the poultry products exclusively for use, in the
6 household of such owner, by him and members of his house-
7 hold and his nonpaying guests and employees: *Provided*,
8 That such custom slaughterer does not engage in the business
9 of buying or selling any poultry products capable of use as
10 human food.

11 “(2) *In addition to the specific exemptions provided herein*
12 *the Secretary shall, when he determines that the protection of*
13 *consumers from adulterated or misbranded poultry products*
14 *will not be impaired by such action, provide by regulation for*
15 *further exempting the operation and products of small enter-*
16 *prises (including poultry producers) engaged in slaughter-*
17 *ing and/or cutting up poultry for distribution as carcasses or*
18 *parts thereof, which are subject to the provisions of this*
19 *Act only under section 5(c) from such provisions of this Act*
20 *as he deems appropriate, while still protecting the public from*
21 *adulterated or misbranded products, under such conditions,*
22 *including sanitary requirements, as he shall prescribe to effec-*
23 *tuate the purposes of this Act: Provided, That any such fur-*
24 *ther exemption may be revoked by the Secretary with respect*
25 *to any establishment if he determines that the operations of au*

1 establishment under the exemption have resulted or will result
2 in the distribution of adulterated or misbranded poultry
3 products or that the operator of the establishment has failed
4 to comply with the conditions of exemption.

5 “(d) The adulteration and misbranding provisions of
6 this Act, other than the requirement of the inspection legend,
7 shall apply to articles which are exempted from inspection
8 or not required to be inspected under this section, except
9 as otherwise specified under ~~paragraph (a)~~ paragraphs (a)
10 and (c).”

11 SEC. 15. Section 16 of said Act (21 U.S.C. 465) is
12 hereby amended to read:

13 “SEC. 16. The Secretary may limit the entry of poultry
14 products and other materials into any official establishment,
15 under such conditions as he may prescribe to assure that
16 allowing the entry of such articles into such inspected estab-
17 lishments will be consistent with the purposes of this Act.”

18 SEC. 16. Section 18 of said Act (21 U.S.C. 467) is
19 hereby amended to read:

20 “SEC. 18. (a) The Secretary may (for such period, or
21 indefinitely, as he deems necessary to effectuate the purposes
22 of this Act) refuse to provide, or withdraw, inspection service
23 under this Act with respect to any establishment if he de-
24 termines, after opportunity for a hearing is accorded to the
25 applicant for, or recipient of, such service, that such ap-

1 plicant or recipient is unfit to engage in any business re-
2 quiring inspection under this Act because the applicant or
3 recipient or anyone responsibly connected with the applicant
4 or recipient, has been convicted, in any Federal or State
5 court, within the previous ten years of (1) any felony or
6 more than one misdemeanor under any law based upon the
7 acquiring, handling, or distributing of adulterated, mislabeled,
8 or deceptively packaged food or fraud in connection with
9 transactions in food; or (2) any felony, involving fraud,
10 bribery, extortion, or any other act or circumstance indicating
11 a lack of the integrity needed for the conduct of operations
12 affecting the public health. For the purpose of this paragraph
13 a person shall be deemed to be responsibly connected with
14 the business if he was a partner, officer, director, holder, or
15 owner of 10 per centum or more of its voting stock or
16 employee in a managerial or executive capacity.

17 “(b) Upon the withdrawal of inspection service from
18 any official establishment for failure to destroy condemned
19 poultry products as required under section 6 of this Act, or
20 other failure of an official establishment to comply with the
21 requirements as to premises, facilities, or equipment, or the
22 operation thereof, as provided in section 7 of this Act, or the
23 refusal of inspection service to any applicant therefor be-
24 cause of failure to comply with any requirements under
25 section 7, the applicant for, or recipient of, the service shall,

1 upon request, be afforded opportunity for a hearing with
2 respect to the merits or validity of such action; but such
3 withdrawal or refusal shall continue in effect unless other-
4 wise ordered by the Secretary.

5 “(c) The determination and order of the Secretary
6 when made after opportunity for hearing, with respect to
7 withdrawal or refusal of inspection service under this Act
8 shall be final and conclusive unless the affected applicant for,
9 or recipient of, inspection service files application for judicial
10 review within thirty days after the effective date of such
11 order in the United States Court of Appeals as provided in
12 section 8 of this Act. Judicial review of any such order
13 shall be upon the record upon which the determination and
14 order are based. The provisions of section 204 of the
15 Packers and Stockyards Act of 1921, as amended, shall be
16 applicable to appeals taken under this section.”

17 SEC. 17. Sections 19 through 22 of said Act (21 U.S.C.
18 468, 469, 451 note) are hereby redesignated as sections 25,
19 26, 28, and 29, respectively, and new sections 19, 20, 21,
20 22, 23, 24, and 27 are added to the Act to read, respectively:

21 “SEC. 19. Whenever any poultry product, or any prod-
22 uct exempted from the definition of a poultry product, or any
23 dead, dying, disabled, or diseased poultry is found by any
24 authorized representative of the Secretary upon any premises
25 where it is held for purposes of, or during or after distribution

1 in, commerce or otherwise subject to this Act, and there is
2 reason to believe that any such article is adulterated or mis-
3 branded and is capable of use as human food, or that it has
4 not been inspected, in violation of the provisions of this Act
5 or of any other Federal law or the laws of any State or
6 Territory, or the District of Columbia, or that it has been
7 or is intended to be, distributed in violation of any such
8 provisions, it may be detained by such representative for a
9 period not to exceed twenty days, pending action under
10 section 20 of this Act or notification of any Federal, State,
11 or other governmental authorities having jurisdiction over
12 such article or poultry, and shall not be moved by any person,
13 from the place at which it is located when so detained, until
14 released by such representative. All official marks may be
15 required by such representative to be removed from such
16 article or poultry before it is released unless it appears to
17 the satisfaction of the Secretary that the article or poultry is
18 eligible to retain such marks.

19 “SEC. 20. (a) Any poultry product, or any dead,
20 dying, disabled, or diseased poultry, that is being transported
21 in commerce or otherwise subject to this Act, or is held
22 for sale in the United States after such transportation, and
23 that (1) is or has been processed, sold, transported, or
24 otherwise distributed or offered or received for distribution
25 in violation of this Act, or (2) is capable of use as human

1 food and is adulterated or misbranded, or (3) in any other
2 way is in violation of this Act, shall be liable to be proceeded
3 against and seized and condemned, at any time, on a libel
4 of information in any United States district court or other
5 proper court as provided in section 21 of this Act within the
6 jurisdiction of which the article or poultry is found. If the
7 article or poultry is condemned it shall, after entry of the
8 decree, be disposed of by destruction or sale as the court
9 may direct and the proceeds, if sold, less the court costs and
10 fees, and storage and other proper expenses, shall be paid
11 into the Treasury of the United States, but the article or
12 poultry shall not be sold contrary to the provisions of this
13 Act, or the laws of the jurisdiction in which it is sold:
14 *Provided*, That upon the execution and delivery of a good
15 and sufficient bond conditioned that the article or poultry
16 shall not be sold or otherwise disposed of contrary to the
17 provisions of this Act, or the laws of the jurisdiction in which
18 disposal is made, the court may direct that such article or
19 poultry be delivered to the owner thereof subject to such
20 supervision by authorized representatives of the Secretary as
21 is necessary to insure compliance with the applicable laws.
22 When a decree of condemnation is entered against the article
23 or poultry and it is released under bond, or destroyed, court
24 costs and fees, and storage and other proper expenses shall
25 be awarded against the person, if any, intervening as claimant

1 of the article or poultry. The proceedings in such libel cases
2 shall conform, as nearly as may be, to the proceedings in
3 admiralty, except that either party may demand trial by
4 jury of any issue of fact joined in any case, and all such
5 proceedings shall be at the suit of and in the name of the
6 United States.

7 “(b) The provisions of this section shall in no way
8 derogate from authority for condemnation or seizure con-
9 ferred by other provisions of this Act, or other laws.

10 “SEC. 21. The United States district courts, the District
11 Court of Guam, the District Court of the Virgin Islands, the
12 highest court of American Samoa, and the United States
13 courts of the other territories, are vested with jurisdiction
14 specifically to enforce, and to prevent and restrain violations
15 of, this Act, and shall have jurisdiction in all other kinds of
16 cases arising under this Act, except as provided in section
17 8 (d) or 18 of this Act. All proceedings for the enforcement
18 or to restrain violations of this Act shall be by and in the
19 name of the United States. Subpenas for witnesses who are
20 required to attend a court of the United States, in any district,
21 may run into any other district in any such proceeding.

22 “SEC. 22. For the efficient administration and enforce-
23 ment of this Act, the provisions (including penalties) of
24 sections 6, 8, 9, and 10 of the Federal Trade Commission
25 Act, as amended (38 Stat. 721-723, as amended; 15 U.S.C.

1 46, 48, 49, and 50) (except paragraphs (c) through (h)
2 of section 6 and the last paragraph of section 9), and the
3 provisions of subsection 409 (1) of the Communications Act
4 of 1934 (48 Stat. 1096, as amended; 47 U.S.C. 409 (1)),
5 are made applicable to the jurisdiction, powers, and duties
6 of the Secretary in administering and enforcing the provi-
7 sions of this Act and to any person with respect to whom
8 such authority is exercised. The Secretary, in person or by
9 such agents as he may designate, may prosecute any inquiry
10 necessary to his duties under this Act in any part of the
11 United States, and the powers conferred by said sections 9
12 and 10 of the Federal Trade Commission Act as amended
13 on the district courts of the United States may be exercised
14 for the purposes of this Act by any court designated in section
15 21 of this Act.

16 "SEC. 23. Requirements within the scope of this Act
17 with respect to premises, facilities and operations of any
18 official establishment, which are in addition to, or different
19 than those made under this Act may not be imposed by any
20 State or Territory or the District of Columbia, except that
21 any such jurisdiction may impose recordkeeping and other
22 requirements within the scope of paragraph (b) of section
23 11 of this Act, if consistent therewith, with respect to any
24 such establishment. Marking, labeling, packaging, or ingredi-

ent requirements in addition to, or different than, those made under this Act may not be imposed by any State or Territory or the District of Columbia with respect to articles prepared at any official establishment in accordance with the requirements under this Act, but any State or Territory or the District of Columbia may, consistent with the requirements under this Act, exercise concurrent jurisdiction with the Secretary over articles required to be inspected under this Act, for the purpose of preventing the distribution for human food purposes of any such articles which are adulterated or misbranded and are outside of such an establishment, or, in the case of imported articles which are not at such an establishment, after their entry into the United States. This Act shall not preclude any State or Territory or the District of Columbia from making requirement or taking other action, consistent with this Act, with respect to any other matters regulated under this Act.

“SEC. 24. (a) Poultry and poultry products shall be exempt from the provisions of the Federal Food, Drug, and Cosmetic Act to the extent of the application or extension thereto of the provisions of this Act, except that the provisions of this Act shall not derogate from any authority conferred by the Federal Food, Drug, and Cosmetic Act prior to enactment of the Wholesome Poultry Products Act.

1 “(b) The detainer authority conferred by section 19 of
2 this Act shall apply to any authorized representative of the
3 Secretary of Health, Education, and Welfare for purposes
4 of the enforcement of the Federal Food, Drug, and Cosmetic
5 Act with respect to any poultry carcass, or part or product
6 thereof, that is outside any official establishment, and for
7 such purposes the first reference to the Secretary in section
8 19 shall be deemed to refer to the Secretary of Health,
9 Education, and Welfare.

10 “SEC. 27. The Secretary shall annually report to the
11 Committee on Agriculture of the House of Representatives
12 and the Committee on Agriculture and Forestry of the Senate
13 with respect to the slaughter of poultry subject to this Act,
14 and the preparation, storage, handling, and distribution of
15 poultry parts, poultry products, and inspection of establish-
16 ments operated in connection therewith, including the oper-
17 ations under and the effectiveness of this Act.”

18 SEC. 18. The heading “**Designation**” preceding sec-
19 tion 5 of said Act is hereby amended to read “**Federal**
20 **and State cooperation**”; the heading “**Labeling**” preceding
21 section 8 of said Act is hereby amended to read “**Labeling**
22 **and containers; standards**”; the heading “**Records of**
23 **interstate shipment**” preceding section 11 of said Act is
24 hereby amended to read “**Articles not intended for human**

1 food; record and related requirements for processors of
2 poultry products and related industries engaged in com-
3 merce; registration requirements for related industries en-
4 gaged in commerce; regulation of transactions in com-
5 merce in dead, dying, disabled, or diseased poultry and
6 carcasses thereof; authority to regulate comparable intra-
7 state activities"; and the heading "Violations by exempted
8 persons" preceding section 16 of said Act is hereby amended
9 to read "Entry of materials into official establishments."

10 SEC. 19. If any provisions of this Act or of the amend-
11 ments made hereby or the application thereof to any person
12 or circumstances is held invalid, the validity of the remainder
13 of the Act and the remaining amendments and of the appli-
14 cation of such provision to other persons and circumstances
15 shall not be affected thereby.

16 SEC. 20. This Act shall become effective upon enact-
17 ment except as provided in paragraphs (a) through (c) :

18 (a) The provisions of subparagraphs (a) (2) (A) and
19 (a) (3) of section 9 of the Poultry Products Inspection Act
20 and the provisions of section 17 of said Act, as amended by
21 sections 9 and 16 of this Act, shall become effective upon the
22 expiration of sixty days after enactment hereof.

23 (b) Section 14 of this Act, amending section 15 of the

1 Poultry Products Inspection Act, shall become effective upon
2 the expiration of sixty days after enactment hereof.

3 (c) Paragraph 11 (d) of the Poultry Products Inspec-
4 tion Act, as added by section 11 of this Act, shall become
5 effective upon the expiration of sixty days after enactment
6 hereof.

90TH CONGRESS
2d Session

H. R. 16363

[Report No. 1333]

A BILL

To clarify and otherwise amend the Poultry Products Inspection Act, to provide for cooperation with appropriate State agencies with respect to State poultry products inspection programs, and for other purposes.

By Mr. PURCELL, Mr. SMITH of Iowa, and Mr.
FOLEY

APRIL 1, 1968

Referred to the Committee on Agriculture

APRIL 30, 1968

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C. 20250
OFFICIAL BUSINESS

POSTAGE AND FEES PAID
U. S. DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

Issued May 15, 1968
For actions of May 14, 1968
90th-2nd; No. 82

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HIGHLIGHTS: House passed Public Law 480 bill. House Rules Committee cleared grain-standards, emergency-loans and emergency-credit revolving fund bills. Senate subcommittee approved bills on Kerr Memorial, Cradle of Forestry, and watershed construction. Rep. St. Onge introduced and discussed egg marketing bill.

HOUSE

1. PUBLIC LAW 480. Passed S. 2986, to extend the Agricultural Trade Development and Assistance Act of 1954 (pp. H3715-16, H3721-39), with an amendment to substitute the language of H. R. 16165, which was passed earlier with the following amendments: By Rep. Findley, that "the Commodity Credit Corporation shall not finance the sale and export of agricultural commodities under this Act for any exporter which in the 6 months immediately preceding the application for such financing has engaged in any sales, trade, or commerce with North Vietnam, or with any resident thereof..." (pp. H3730-32), and by Rep. Steiger, Wisc.,

370-21, to "provide that the ratio of the value of dairy products exported under this act to the value of all agricultural products so exported is approximately the same as the ratio of the value of dairy products produced in the United States to the value of all agricultural products produced in the United States" (pp. H3734-38). Rejected an amendment by Rep. Findley to protect the interests of small businesses participating under the act (pp. H3732-4). For other provisions see Digest 70. H. R. 16165 was tabled.

2. ~~GRAINS; POULTRY; CREDIT; CONSERVATION.~~ The Rules Committee reported resolutions for the consideration of ~~H. R. 15794, to provide for U. S. standards and a national inspection system for grain; H. R. 16363, to clarify and otherwise amend the Poultry Products Inspection Act; H. J. Res. 1227, to authorize the temporary funding of the emergency credit revolving fund; and H. R. 8578, to amend the Land and Water Conservation Fund Act.~~ p. H3769
3. TAXATION; EXPENDITURES. Rep. Joelson inserted a copy of the letter he sent the President asking for a list of the programs to be included in the proposed \$6 billion reduction to assist him in determining his vote on the surcharge-expenditure cut conference report. p. H3715
Rep. Vanik stated he hoped the President "will not capitulate to the pressures and take a surtax on the basis of a \$6 billion cut in spending." p. H3746
Rep. Curtis discussed the tax increase and expenditure cut bill and questioned whether "this package will help in cutting back on inflation." pp. H3748-54
4. WATER POLLUTION. Rep. Blackburn discussed the provisions of his bill to provide a tax credit to industries which would construct water pollution control facilities. pp. H3757-8
5. RECLAMATION. Rep. Johnson, Calif., discussed some of the issues "which will have a direct bearing" on the scheduled debate on the Colorado River Basin bill. pp. H3739-44
6. OPINION POLL. Rep. Burke, Fla., inserted the results of a questionnaire including items of interest to this Dept. pp. H3758-9
7. FOREIGN AFFAIRS. Rep. Fascell inserted the exchange of remarks between the President and the Secretary General of the OAS in which they discussed the Alliance for Progress, the Inter-American Development Bank, the Central American Common Market and Latin American Free Trade Association. pp. H3767-8
8. FOREIGN AID. Rep. Berry stated that he had submitted to the House Foreign Affairs Committee a proposed substitute for H. R. 15263, the proposed Foreign Assistance Act of 1968. pp. H3763-4
9. WATER QUALITY. Rep. Cleveland inserted comments of the New England Interstate Water Pollution Control Commission warning of "drastic consequences" if the proposed water quality improvement bill is passed. pp. H3762-3

CONSIDERATION OF H.R. 16363

MAY 14, 1968.—Referred to the House Calendar and ordered to be printed

Mr. MATSUNAGA, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 1172]

The Committee on Rules, having had under consideration House Resolution 1172, report the same to the House with the recommendation that the resolution do pass.



House Calendar No. 246

90TH CONGRESS
2D SESSION

H. RES. 1172

[Report No. 1388]

IN THE HOUSE OF REPRESENTATIVES

MAY 14, 1968

Mr. MATSUNAGA, from the Committee on Rules, reported the following resolution; which was referred to the House Calendar and ordered to be printed

RESOLUTION

1 *Resolved*, That upon the adoption of this resolution it
2 shall be in order to move that the House resolve itself into
3 the Committee of the Whole House on the State of the
4 Union for the consideration of the bill (H.R. 16363) to
5 clarify and otherwise amend the Poultry Products Inspec-
6 tion Act, to provide for cooperation with appropriate State
7 agencies with respect to State poultry products inspection
8 programs, and for other purposes. After general debate,
9 which shall be confined to the bill and shall continue not
10 to exceed two hours, to be equally divided and controlled
11 by the chairman and ranking minority member of the Com-

1 mittee on Agriculture, the bill shall be read for amendment
2 under the five-minute rule. At the conclusion of the con-
3 sideration of the bill for amendment, the Committee shall
4 rise and report the bill to the House with such amendments
5 as may have been adopted, and the previous question shall
6 be considered as ordered on the bill and amendments thereto
7 to final passage without intervening motion except one mo-
8 tion to recommit.

90TH CONGRESS
2d Session

H. RES. 1172

[Report No. 1388]

RESOLUTION

Providing for consideration of H.R. 16363 to clarify and otherwise amend the poultry Products Inspection Act, to provide for co-operation with appropriate State agencies with respect to State poultry products inspection programs, and for other purposes.

By Mr. MATSUNAGA

MAY 14, 1968

Referred to the House Calendar and ordered to be printed

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

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Issued June 14, 1968
For actions of June 13, 1968
90th-2nd, No. 101

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HIGHLIGHTS: See page 6.

HOUSE

1. POULTRY INSPECTION. Passed, 351-17, as reported H. R. 16363, to clarify and otherwise amend the Poultry Products Inspection Act, to provide for cooperation with appropriate State agencies with respect to State poultry products inspection programs. pp. H4937-57

2. WILDLIFE. The Merchant Marine and Fisheries Committee reported with amendment H. R. 11190, to make available half the revenues from the excise tax on pistols and revolvers to the States for target ranges and firearms safety training programs, and to make the other half of such revenues available to the Federal aid to wildlife restoration fund (H. Rept. 1548). p. H4993
3. APPROPRIATIONS. The Appropriations Committee was granted until midnight, Fri., June 14, to file a report on the Public Works-Atomic Energy Commission appropriation bill for 1969. p. H4936
4. PEACE CORPS. Passed, 292-61, without amendment, H. R. 15087, to authorize an appropriation of \$112,800,000 to finance the operation of the Peace Corps during fiscal year 1969. pp. H4957-66
5. CONSUMER FINANCE. Reps. Patman, Sullivan, and Dwyer were appointed as members of the National Commission on Consumer Finance. p. H4973
6. MANPOWER. A subcommittee of the Education and Labor Committee approved for full committee action H. R. 15045, amended, to extend certain expiring provisions under the Manpower Development and Training Act of 1962. p. D550
7. RECLAMATION. A subcommittee of the Interior and Insular Affairs Committee approved for full committee action H. R. 27, amended, to authorize the construction, operation, and maintenance of the first stage of the Oahe unit, James Division, Missouri River Basin project, S. Dak., and H. R. 9362, amended, to authorize the construction, operation, and maintenance of the Mountain Park reclamation project, Okla. p. D550
8. TEXTILES. Rep. Dorn stated "it is imperative that action be taken at this session of Congress to promote orderly world trade in textiles." pp. H4936-7
9. MEAT INSPECTION. Rep. Goodling inserted letters to Secretary Freeman asking for his comment on an article which "makes reference to an indiscreet Government memo issued preliminary to the adoption of a broadened meat inspection program, the Wholesome Meat Act of 1967." He also inserted the Secretary's reply expressing satisfaction that the reports submitted by the Compliance and Evaluation Staff, C&MS, "were neither false nor misleading." pp. H4985-6
10. DAIRY IMPORTS. Rep. Langen commended this week's "Presidential proclamation imposing temporary import quotas on condensed and evaporated milk and cream" and the Presidential order calling for a Tariff Commission investigation into the "need for import quotas on the above-mentioned products plus chocolate milk crumb--butterfat-sugar mixtures in retail packages, and most types of cow's milk cheese." p. H4989
11. LEGISLATIVE PROGRAM. Rep. Albert announced the following program for next week: Mon., Consent Calendar day and under suspension the bill to insure accessibility of physically handicapped to public buildings and the bill to authorize loans on leasehold interests in Hawaii. Tues., the bill to provide fringe benefits for ASC county committee employees. Wed., Public Works-Atomic Energy Commission appropriation bill. Thurs. and the balance of the week the revenue and expenditure control bill.

and Means Committee made a magnificent statement.

I was particularly pleased to note his call for restraints on textile and apparel imports of all fibers. Mr. Biemiller, referring to textiles said to the committee:

Agreements with other countries, like the International Cotton Textile Agreement, should be concluded, covering trade in textiles and apparel of wool and man-made fibers. The Cotton Textile Arrangements should be effectively enforced and no erosion permitted in its safeguards against disruption.

FLAG DAY CEREMONIES

(Mr. BROOKS asked and was given permission to address the House for 1 minute.)

Mr. BROOKS. Mr. Speaker, as chairman of your Flag Day Committee, I would like to announce that your committee is making progress toward a suitable program honoring our great flag.

We have made arrangement for the U.S. Marine Band and the U.S. Air Force "Singing Sergeants" to participate in the program. Representatives of all the services are taking part and the Joint Chiefs of Staff have accepted our invitation to attend.

We will also have as our honored guests servicemen from the Marine Corps, Navy, Army, and Air Force who have received Presidential Unit Citations for their defense of Khesanh and other action in Vietnam.

Your committee is making every effort to prepare a fitting tribute to our Nation's emblem. We urge all of our colleagues to be present promptly at noon Friday, June 14, to take part in this occasion.

MR. LEE MORSE

(Mr. BARRETT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BARRETT. Mr. Speaker, an able young man, who for over 4 years has done yeoman service as chief counsel to the Banking and Currency Committee has announced that he will open law offices here in Washington, D.C. and in Atlanta, Ga., his home State.

Mr. Lee Morse, of whom I speak, came to the committee after serving with the Securities and Exchange Commission and the Comptroller of Currency. Mr. Morse displayed outstanding ability and keen understanding of the many matters which came before the Banking and Currency Committee. In addition, he was of great assistance to me in all phases of the committee jurisdiction, particularly in the fields of supervision of financial institutions, holding companies, small business financing and credit card and credit data legislation.

In his service to the committee he rendered service to the House. While we will miss his wise and able counseling we sincerely wish him every success.

REQUEST FOR PERMISSION FOR COMMITTEE ON BANKING AND CURRENCY TO SIT DURING GENERAL DEBATE TODAY

Mr. BARRETT. Mr. Speaker, I ask unanimous consent that the Committee on Banking and Currency may be permitted to sit during general debate today.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. GERALD R. FORD. Mr. Speaker, reserving the right to object, I was just informed by a member of the committee that he did object. If we can work out something in the interim, fine, but at the moment I am constrained, at the request of a member of the committee, to request that the gentleman from Pennsylvania not press his request at this time.

Mr. BARRETT. May I say to the gentleman from Michigan, in answer to his statement, that we have spoken with the minority leader and it is agreeable with him, but I will be glad to hold it until such time as the matter can be cleared up.

Mr. Speaker, I withdraw my request. Mr. GERALD R. FORD. I thank the gentleman.

PERMISSION FOR SUBCOMMITTEE ON PUBLIC HEALTH, COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE TO SIT DURING GENERAL DEBATE TODAY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Subcommittee on Public Health of the Committee on Interstate and Foreign Commerce may sit during general debate today.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PERMISSION TO PASS OVER H.R. 16187 ON CALL OF THE PRIVATE CALENDAR, JUNE 18

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the bill H.R. 16187 be passed over and not considered when the Private Calendar is called on June 18.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

GUN CONTROL LEGISLATION AND THE FIGHT ON CRIME

(Mr. KYL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KYL. Mr. Speaker, it would be too bad if the current enthusiasm for fighting crime were concerned only with the matter of gun control.

This would seem to be an opportune time to broaden the scope of crime fighting.

Mr. Speaker, during the past 7 or 8 years in this city of Washington, D.C., I have seen about 20 homicides and aggravated assaults. In one case a gun was used. In three-fourths of the cases the assailant was drunk. We hear nothing about legislation dealing with reasonable liquor control, in spite of the fact that liquor is involved in far more instances of assaults against a person than is the gun. We know too the involvement of alcoholism in the terrible highway toll where death, though accidental is no less final.

We know that a handgun is used in most of the cases in which a law officer is killed. In the majority of the killings of officers, the assailant was at least accused of law violations and was out of custody at that time because of some leniency on the part of the court.

Mr. Speaker, this is a tremendously broad problem. Criminology is not an exact science nor is sociology or psychology, but with the fire of enthusiasm which we have directed toward fighting crime at this time, it would be indeed too bad if we limited our activities to gun control legislation alone.

CALL OF THE HOUSE

Mr. BOLLING. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 183]

Ashbrook	Gettys	O'Hara, Mich.
Ashley	Gilbert	Pelly
Ayres	Gubser	Pepper
Bell	Halleck	Podell
Bingham	Hansen, Idaho	Pool
Bolton	Hardy	Reifel
Bow	Harrison	Resnick
Brademas	Hawkins	Riegle
Carter	Hébert	Rooney, N.Y.
Cederberg	Heckler, Mass.	Rosenthal
Celler	Holland	Scheuer
Conyers	Howard	Stephens
Cowger	Karsten	Stuckey
Daddario	Kelly	Teague, Tex.
Dawson	Kyros	Tenzer
Diggs	McMillan	Thompson, N.J.
Evins, Tenn.	Minshall	Vander Jagt
Farbstein	Murphy, Ill.	Waggonner
Flood	Murphy, N.Y.	
Ford	Nelsen	
William D.	Nichols	

The SPEAKER pro tempore (Mr. ALBERT). On this rollcall 373 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

WHOLESOME POULTRY PRODUCTS ACT

Mr. MATSUNAGA. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1172 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1172

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 16363) to clarify and otherwise amend the Poultry Products Inspection Act, to provide for cooperation with appropriate State agencies with respect to State poultry products inspection programs, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore (Mr. ALBERT). The gentleman from Hawaii is recognized for 1 hour.

Mr. MATSUNAGA. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio [Mr. LATTI] pending which I yield myself 5 minutes.

Mr. Speaker, House Resolution 1172 provides an open rule with 2 hours of general debate for consideration of H.R. 16363, the Wholesome Poultry Products Act.

H.R. 16363 amends the Poultry Products Inspection Act to authorize the establishment of a Federal-State cooperative inspection service for poultry products comparable to that provided under the Federal Meat Inspection Act, as amended in 1967. The bill provides for assistance to the States in the development of trained staffs and in enactment and administration of effective mandatory inspection programs under State control or in joint effort with the Federal Government. Two years are allowed the States in which to implement such a system. If the Secretary of Agriculture has reason to believe that a tardy State will if given additional time meet this requirement, an additional year will be given to complete the installation and effectuation of the system.

The bill extends Federal inspection and regulation to poultry products processed for shipment within the States, where the States do not enforce requirements at least equal to the Federal requirements after the expiration of 2 or 3 years, as the case may be.

Where poultry products processed solely for intrastate commerce endangered the public health, the Federal requirements would, under specified conditions, be applied at any time to those particular establishments which permit insanitary practices.

Mr. Speaker, the Congress of the United States is too often pictured as a body politic yielding to pressures of highly paid lobbyists.

By passage of the Wholesome Poultry Products Act we will have proved the falseness of that picture, for it is well recognized that the American consumer is without any paid lobbyists in Washington.

In spite of this he has had passed for his benefit by this Congress, in this single term, the Federal Meat Inspection Act and the truth in lending bill. Upon passage of the measure now before us, the 90th Congress may well go down in history as the Consumer Protection Congress.

Mr. Speaker, I urge the adoption of House Resolution 1172 in order that H.R. 16363 may be considered.

(Mr. LATTI asked and was given permission to revise and extend his remarks.)

Mr. LATTI. Mr. Speaker, I agree with what the gentleman from Hawaii said concerning this bill. I want to point out to the Members of the House that last year we passed the meat inspection bill with a lot of publicity. It was said if you voted against that legislation, you would be for dirty meat; if you voted for it, you would be for clean meat, and it put Members in a difficult position.

Now, Mr. Speaker, we hear the same type argument on this bill.

Mr. Speaker, I want to advise the Members of the House that notwithstanding all the publicity on the meat inspection legislation last year and our authorization of over 1,000 meat inspectors, the Department of Agriculture has yet to fill all of the vacancies for meat inspectors.

And, I was amazed to learn from the Subcommittee on Agricultural Appropriations that these so-called meat inspectors are being paid the magnificent sum of about \$6,500 a year and receive only 30 days training. I do not believe this is adequate, Mr. Speaker. I do not believe this is what the American people want or thought they were getting in the way of meat inspection.

I hope today that we will hear discussed in this Chamber some of the qualifications for the so-called poultry inspectors called for under this bill, because merely calling an individual an inspector does not make him an inspector.

Mr. Speaker, these individuals should be qualified for these important jobs.

The same individuals who were out front for the meat inspection legislation and who are for this legislation are strangely silent when it comes to demanding qualified men to fill these jobs.

Further, Mr. Speaker, it is my opinion that we need to know something more about the qualifications necessary for these positions if we are going to make this bill work and if the American people are going to get what they think they are getting under this legislation.

I also want to point out that at the time the meat inspection bill was under consideration I raised the question as to whether there were adequate exemptions provided for our little locker plants. I would like to raise the same question today and ask whether there is sufficient exemption for these locker plants in this bill.

Mr. Speaker, it seems to me when we voted for the meat inspection bill we were told there was some exemptions granted for these little local locker plants. But now I find the exemptions are only for the local locker plants located near the borders of the various States.

Today, Mr. Speaker, when this legislation is discussed I would like to have the matter of exemptions for these little locker plants classified.

I note an exemption for the custom slaughterer of poultry but he appears to lose his exemption if he buys or sells any poultry.

Mr. Speaker, I do not know of a locker plant that will not sell a pound or 2 pounds of poultry upon occasion, but as I read this report they will not be qualified for this exemption if they do so. So, let us not give them an exemption on the one hand and take it away from them with the other. In other words, if they have an exemption let us say so and if they do not have an exemption, let us say so. I think it is important that we clear up this matter on this floor today.

The question will also be raised as to whether this \$15,000 exemption is adequate.

As I understand it an amendment will be offered to set this exemption at the sum of \$100,000. I do not understand how the Committee on Agriculture arrived at an exemption of \$15,000 rather than \$25,000 or \$100,000. However, it is my opinion that the Members of the House should know the reason the committee set the exemption at \$15,000 as opposed to \$25,000, \$50,000 or \$100,000. I hope that when the bill comes on for general debate, consideration will be given to this matter and that we will learn the answers to some of these questions.

Mr. MATSUNAGA. Mr. Speaker, having no further requests for time, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. PURCELL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 16363) to clarify and otherwise amend the Poultry Products Inspection Act, to provide for cooperation with appropriate State agencies with respect to State poultry products inspection programs, and for other purposes.

The SPEAKER pro tempore (Mr. ALBERT). The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

The SPEAKER pro tempore. The Chair designates the gentleman from Kentucky [Mr. NATCHER] as Chairman of the Committee of the Whole House on the State of the Union, and asks the gentleman from Wisconsin [Mr. ZABLOCKI] to temporarily assume the chair.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 16363, with Mr. ZABLOCKI (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN pro tempore. Under the rule, the gentleman from Texas [Mr. PURCELL] will be recognized for 1 hour, and the gentleman from Oklahoma [Mr. BELCHER] will be recognized for 1 hour.

The Chair recognizes the gentleman from Texas [Mr. PURCELL].

Mr. PURCELL. Mr. Chairman, I know of no privilege more meaningful to any Member of Congress than to be able to present legislation for consideration which he feels is truly worth the effort that has gone into obtaining its final form.

H.R. 16363, which clarifies and otherwise amends the Poultry Products Inspection Act, is such a bill. It is responsive to the needs to the American housewife and her family, while responsible in its dealings with the poultry industry. In part, this is a result of the true spirit of cooperation that existed among members of the Agriculture Committee, the administration, various consumer groups, and certainly, the poultry industry itself. Also invaluable, in my opinion, was the experience that all of us recall, gained while attempting to work out final language for the Wholesome Meat Act of 1967, signed into law nearly 7 months ago.

I refer to that legislation because the present bill, while adopting different language where appropriate to deal with the specialized problem that the poultry industry faces, nevertheless has a great many similarities to the red meat bill.

Chief among these similarities is the concept written into the bill broadening the present poultry inspection system by establishing a Federal-State cooperative program whereby the Federal Government would provide both personnel and financial assistance to State agencies in order to improve the quality of State poultry inspection programs.

Like the final version of the Wholesome Meat Act, there are also provisions to provide safeguards to the consumers in a State where there is no intent to adopt high standards of inspection, for the States are only given a limited time to come within the cooperative program; otherwise, the Federal Government takes over all inspection procedures within the State, thus insuring that the same high standards that other States, who are willing to receive Federal assistance, are being put into effect, on a nationwide scale.

We already have a Poultry Products Inspection Act, enacted in 1957, which established a Federal inspection system for poultry and poultry products processed by plants shipping in interstate and foreign commerce. It works well for the products covered, but not for the approximately 1.6 billion pounds that represent 13 percent of all poultry slaughtered under State regulation.

Frankly, Mr. Chairman, the situation relating to State poultry inspection programs can only best be described as "dismal." I say this because only 12 States have mandatory inspection programs; and, of those, only four States carry on programs that can be truly described as "active."

Five States have "voluntary" inspection programs, which means that the individual plant itself must generally make a request that its plant be inspected; in many cases, this involves an additional inspection charge that is add-

ed to the processing and slaughter of poultry, and there is a serious question of motivation in coercing the individual producer or processor to come under State inspection.

Change in poultry inspection procedures is clearly needed. Most poultry moving in intrastate commerce receives little or no inspection, yet this product may be intermingled in retail stores with federally inspected products being sold to the public.

Admittedly, it would be unfair to condemn poultry produced without Federal regulation unless we have some gage to use to determine whether or not this poultry actually presents a health hazard to Americans; in this case, evidence was presented to the Subcommittee on Livestock and Grains which strongly indicated that there was good cause to be concerned over nonfederally inspected poultry. Dr. George Mehren of the Department of Agriculture testified, and I quote:

In January, poultry inspection personnel visited retail outlets to make carcass examinations of inspected and non-inspected poultry. The study of inspected poultry was made in 34 stores in 16 States. There were 470 samples examined consisting of 447 whole poultry carcasses and 23 tray-packed carcasses displayed in cutup form. The primary inspection responsibility is to remove from food channels all carcasses or parts of a carcass which are unwholesome. The errors noted on the federally inspected product concerned ready-to-cook factors rather than errors which would render the carcass unwholesome. For example, feathers on a hock or a heart missing from the giblet pack would be recorded as an error in ready-to-cook factors. This would not affect the wholesomeness of the product to the point of being dangerous to the consumer's health. There were no lesions of disease observed. On the other hand, 316 samples of noninspected carcasses were examined in 37 outlets in the same 16 States where inspected poultry was checked. The samples consisted of 286 whole poultry carcasses and 20 tray-packed carcasses in cutup form. Only 18 percent of the noninspected carcasses appeared satisfactory following gross examination. One out of five should have been condemned as unwholesome. Errors found in the noninspected product but not in the inspected product were gross lesions of disease, septicemia, or toxemia which is symptomatic of disease, failure to remove infectious processes, and contamination of the body cavity with stomach contents or fecal material. Laboratory analyses conducted on both federally inspected and nonfederally inspected products revealed a higher level of bacterial contamination on nonfederally inspected products than on federally inspected products.

Assuming that the evidence that the subcommittee received was accurate, and I have no reason to doubt that it was, clearly we need to take strong, positive steps to remedy the opportunities for fraud, deceit, and just plain carelessness in compromising the health hazards that exist in this critical area of consumer protection.

H.R. 16363 represents such a strong, positive step. Its affect is chiefly to broaden the Federal inspection standards, clarify and amend the standards regulations where experience has shown that change is needed, and help the States to promulgate and enforce regulations for poultry produced within their

own borders which are at least "equal to" the Federal standards.

In addition to the Federal-State cooperative provisions of the bill, which I mentioned earlier, the bill broadens coverage to include activities other than slaughtering and processing of poultry only; brokers and renderers, storage and handling all come under the provisions of the act. Prohibited are the slaughter of poultry, the preparation of poultry products, and the labeling, sale, transport, or receipt of poultry except in compliance with the act.

It will be obvious to all who read the bill and the report, Mr. Chairman, that what we are trying to do here is to require sanitation facilities and practices within a broad spectrum of the poultry industry to be such that unwholesome or adulterated poultry will not be able to move in commerce.

With the exception of the provisions which provide for exemptions, the same high standards will be incumbent upon the States as are presently in effect by the Federal Government.

Additionally, the bill:

Clarifies the authority of the Secretary of Agriculture in the matter of labeling and conforms the act with the Federal Meat Inspection Act.

It also establishes recordkeeping requirements comparable to those that presently exist in the Federal Meat Inspection Act, and provides penalties similar to those found in the Meat Inspection Act.

There are many other provisions that the bill contains which I am sure my colleagues will want to read as they examine the report, or the bill; however, I do want to point out that the bill does not change our present inspection procedure affecting imported poultry; no problems regarding the present system were called to the subcommittee's attention, and, accordingly, it was felt that there was no need to change the present methods.

Basically, an administration measure drafted at the request of several Members of Congress, the Subcommittee on Livestock and Grains, and later the full committee, made changes in the bill which would warrant discussion.

One of the faults in the original bill was a provision which allowed States who operate under the proposed Federal-State cooperative inspection programs to market their products in interstate commerce, without further qualification or inspection. This section was stricken by the subcommittee, in order to continue to insure the value of the Federal stamp of approval on inspected products, which has come to be a major factor indicating wholesomeness of food products in America.

Other changes were made, some with reservations on the part of several members of the committee. I speak now of the section added to provide for exemptions from the inspection provisions of this act for intrastate establishments who do up to \$15,000 worth "wholesale dressed value" of business per year. Not only, in my personal opinion, is the exemption too broad, it likewise presents an ambiguous test: "Wholesale dressed value" is too nebulous a term.

Another change made that I personally am concerned over is the mention of the word "knowingly" in sections 9(a) and 9(c) of the act, and I know that there are others who feel as I. While the intention behind the inclusion of the term in the bill is, well-motivated, it still presents almost impossible problems of enforcement, and in my opinion, presents a problem that should be dealt with further.

No good legislation is prepared in a vacuum, and the members of the committee were fortunate to have the counsel of a number of interested organizations representing consumer groups and industry as well.

Although the individual administrative provisions of the bill were often coordinated with the Department of Agriculture, the wide-reaching consumer aspects of the program we are presenting here today, warranted the interest of the Special Assistant to the President for Consumer Affairs, whose feelings on the bill are probably best expressed in her letter to me of June 11, which I would like included in the RECORD at this point:

THE WHITE HOUSE,
Washington, June 11, 1968.

HON. GRAHAM PURCELL,
Chairman, Subcommittee on Livestock and Grains, Committee on Agriculture, Longworth House Office Building, U.S. House of Representatives, Washington, D.C.

DEAR CHAIRMAN PURCELL: On behalf of consumers, I am pleased to learn that the Committee on Agriculture is expected to report favorably to the House of Representatives the Wholesome Poultry Products Act (H.R. 16363). The Committee is to be commended for favorable action on a bill which will measurably extend the health protection of American consumers on these significant items in the national diet.

I again wish to commend the Subcommittee for its decisive vote to delete a proposed provision in the Wholesome Poultry Products Act which would have made it possible for non-Federally inspected poultry and poultry products to have been sold in interstate commerce. This would have weakened the Federal inspection program for both meat and poultry, and opened the door to a similar weakening amendment in the recently enacted Wholesome Meat Inspection Act.

Although the overall Wholesome Poultry Products Act reported out favorably by the Committee is a good bill, I am seriously concerned about provisions which leave loopholes in the full protection I believe it is the intent of the Committee to provide for the public.

I strongly oppose inclusion of the word "knowingly" in Sections 9(a) and (c) which define prohibited acts. Prosecution of violations will be seriously hampered because of the difficulty of proving that the law was violated with clear and knowing intent.

The Congress did not stipulate in either the Wholesome Meat Act or the Pure Food and Drug Act that the violation must have been "knowingly" committed, hence it is difficult to understand the rationale for insertion of this weakening provision in the Wholesome Poultry Products Act when it must be assumed the intent of the Congress is to provide the public with the same measure of protection in the Wholesome Poultry Act as in the others.

I am also strongly concerned over the exemption from inspection for wholesomeness of any class of poultry producers who supply poultry or poultry products for the

consumer market. These exemptions are allowed in Section 14 of H.R. 16363.

Sincerely,

BETTY FURNESS,
Special Assistant to the President for
Consumer Affairs.

In these critical times, when additional Federal expenditures are highly critical. I feel that I should make some mention of the cost involved in this legislation. Our best estimate is that we can expect. Following the first full year after enactment of the bill, a cost of approximately \$5 million; subsequent years should see the cost rise to about \$10 million, assuming that all States choose to participate under the Federal-State cooperative programs of the bill.

While the cost is certainly necessary, I would like to point out that it would be unfair to completely censure the States for their general lack of participation in working toward more adequate poultry inspection. The effectiveness of State programs depends upon resources available to carry out these programs. Recently a number of States have taken action to initiate inspection programs, or initiate improvement on existing programs.

I believe that these efforts to insure the wholesomeness of poultry products should be encouraged, and should receive the cooperation and assistance of the Federal Government if the Nation is to achieve adequate overall protection for the consumer. The bill before us certainly accomplishes this.

This is a good bill, Mr. Chairman. Perhaps this Congress will be criticized for failings, as most Congresses have been, and, I am sure, will continue to be. However, I am sure that few will argue that this has not been a Congress that reached out to extend the protection of the Federal Government to the American consumer.

In this respect, H.R. 16363 represents another milestone. Food products served in America should be safe and wholesome, and that is what we are saying again, in this bill. I highly recommend its passage today.

Thank you, Mr. Chairman.

Mrs. MAY. Mr. Chairman, I yield myself such time as I may consume.

(Mrs. MAY asked and was given permission to revise and extend her remarks.)

Mrs. MAY. Mr. Chairman, the bill under consideration is designed to close any existing loopholes in our Nation's poultry inspection system which might allow unwholesome poultry or poultry products to reach the shopping bags of U.S. housewives. Properly administered, this legislation will provide U.S. consumers with the assurance that the poultry they purchase at their neighborhood food market has been prepared under one of the most thorough inspection systems in the world.

As approved by the House Committee on Agriculture, this bill authorizes cooperative arrangements with State and local authorities through which the Federal Government can help develop and encourage effective State poultry inspection programs. The States would have

2 to 3 years to implement poultry inspection systems at least equal to the Federal program or Federal inspection would be extended to cover the intrastate activities within those States failing to do so.

Under the terms of this bill, Federal poultry inspection requirements could, under specified conditions, be applied to establishments dealing only in intrastate commerce if the poultry products processed by those establishments were found to endanger the public health.

This legislation would not replace the present Poultry Products Inspection Act, but would update and improve it with provisions comparable to those incorporated in the Federal Meat Inspection Act last year.

The legislation as originally proposed by the administration and supported by the National Association of State Departments of Agriculture contained a provision—section 5(c) 5 of H.R. 15146—permitting poultry processed under State inspection systems which are at least equal to the Federal program to be shipped in interstate commerce with a combined State-Federal legend. Unfortunately, the majority of the committee saw fit to delete this provision.

In my view, this was a logical and sound provision, consistent with the intent of the legislation, and should have been retained in the final version of the bill approved by the committee. If the States are to be required to develop programs at least equal to the Federal program and plants selling only in intrastate commerce are to be required to meet standards equal to those provided in Federal law, then there appears to be no valid reason why the poultry inspected under those State programs should not be permitted to be shipped in interstate commerce as well. If this legislation is enacted and effectively administered as presently written, there can be no qualitative difference between State poultry inspection programs and the Federal programs, so there could be no possible difference between the wholesomeness of poultry inspected under those State programs and poultry inspected by Federal inspectors.

In addition, this provision already has precedent in existing law. Under Public Law 87-718—the Talmadge-Aiken Act—the Secretary of Agriculture is authorized to certify State employees to perform Federal inspection functions under certain conditions. The law provides that in order to avoid duplication of functions, facilities, and personnel, and to attain closer coordination and greater effectiveness and economy in administration of Federal and State laws, the Secretary of Agriculture is authorized to enter into cooperative arrangements with State departments of agriculture and similar State agencies, and to provide that any such State agency which has adequate facilities, personnel, and procedures, may assist the Secretary in the administration and enforcement of Federal regulations.

Mr. Chairman, it is my hope that after this legislation and the Wholesome Meat Act have been in effect for a while, Con-

gress will see fit to reconsider and adopt the provision that both meat and poultry products inspected under federally approved State programs should be permitted to be shipped in interstate commerce.

I should also like to discuss a second point relating to this legislation which I feel is especially important.

Section 14 of the Poultry Products Inspection Act provides that "the Secretary shall promulgate such rules and regulations as are necessary to carry out the provisions of this act." H.R. 16363 would make no basic change in this authority, but would increase the number of areas to which it could be applied. For example, under this bill, the Secretary of Agriculture could establish standards of identity and fill of container, dietary regulations, color, food additives, and pesticide regulations, and labeling and packaging controls.

The U.S. Food and Drug Administration is provided authority under the Food, Drug, and Cosmetic Act to adopt rules and regulations setting standards for foods other than meat and poultry. In establishing such rules, however, FDA is required to adhere to certain rule-making procedures providing safeguards for those who would be affected. These safeguards include right of hearing and judicial review, and are incorporated in subsections (e), (f), and (g) of section 701 of the Federal Food, Drug, and Cosmetic Act—21 U.S.C. 371 (e), (f), and (g).

Because of the broader delegation of authority provided for the Secretary of Agriculture in the committee bill, I felt it important that similar safeguards be provided for those who would be affected by the rules and regulations promulgated under this legislation. For this reason I offered the following amendment:

Regulations promulgated by the Secretary under sections 4(g)(2)(D), 4(h)(10), 4(h)(12), 7(a), (a), 8(b), 11(b), and 14(a) of this Act shall be promulgated and shall be subject to judicial review, pursuant to the provisions of subsections (e), (f) and (g) of section 701 of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 371 (e), (f) and (g)). Hearings authorized or required for the promulgation of any such regulations by the Secretary shall be conducted by the Secretary or by such officer or employee of the Department of Agriculture as he may designate for that purpose.

After deliberation and discussion, the majority of the committee saw fit not to accept the amendment. In my view, adoption of this or a similar amendment would have provided a more substantial framework for protection of the rights of those affected by administrative rulemaking under this legislation.

Mr. Chairman, as I said, this bill and the Wholesome Meat Act approved last year are designed to close any existing loopholes in our meat and poultry inspection systems which could allow unwholesome meat or poultry to be marketed. However, we must also bear in mind the inescapable fact that a public law is only as good as its administration. This is especially true when the law is of a protective and regulatory nature, such as the legislation before us and the Federal Meat Inspection Act.

The effectiveness of a regulatory law lies not only in the wording of its provisions, but in sound, reasonable and intelligent application and enforcement of those provisions. I know this is not an easy task—it is a demanding one, and requires exceptional skill and judgment.

It has become evident to me that improper administration of our laws often results in enactment of more legislation. This kind of reaction rarely corrects the basic problem, and in many cases only adds to the difficulty. If we could achieve satisfactory administration of the laws already on the books, Congress might not be required to come back to many of the same old problems session after session.

Unfortunately, problems have already arisen in connection with USDA administration of the Wholesome Meat Act.

The meat inspection program in USDA's Consumer and Marketing Service is composed of three separate divisions and a support administrative staff. The poultry inspection program is composed of the Poultry Inspection Branch with a support administrative staff. Both of these programs are served by a common compliance and evaluation staff. In addition, the nation is divided into five USDA poultry inspection areas and seven meat inspection districts.

Apparently what is occurring is a diffusion of authority and a breakdown in communications that finds inspectors in the field under insufficient central direction and taking arbitrary positions that confuse and disrupt an industry that is making an attempt to comply with the new law.

While I do not believe at this time it is appropriate to go into specific examples of the difficulties which are arising, problems do exist because of this breakdown or lack of adequate administration and there is a definite need for substantial improvement in this area.

Certainly, the Agriculture Department cannot respond overnight to all the new demands placed upon it by the requirements of the Wholesome Meat Act. But the fact remains that changes are necessary to insure proper and equitable implementation of the new law, and the demands will become even heavier and the complexities of administration more serious with the addition of this legislation.

It is my understanding that planning is presently underway for reorganization of the inspection services of the Consumer and Marketing Service, and I hope that this move will result in the coordinated and high quality administration necessary to assure that our meat and poultry inspection systems are truly effective for the U.S. consumer, without unnecessary disruption, hardship or harassment of the meat and poultry industry.

In conclusion, Mr. Chairman, I should like to take this time to clarify one of the effects of this legislation by asking if the distinguished chairman of the Livestock and Feed Grains Subcommittee would answer a question. Would the Secretary have authority under the bill to require processors to slaughter and process poultry received from individual growers as separate lots?

Mr. PURCELL. Mr. Chairman, will the gentlewoman yield?

Mrs. MAY. I am glad to yield to the gentleman from Texas.

Mr. PURCELL. Yes; the Secretary has authority under section 6 of the present act, as amended by the bill, to require the segregation of poultry and poultry products during the slaughter and processing operations, and under section 14 of the act it is provided that the Secretary shall issue such regulations as are necessary to carry out the provisions of the act.

It is the view of the committee that it is important that the various lots of poultry be handled separately, especially in view of the fact that ante mortem inspection of each bird is not required under section 6 and therefore, if any abnormal condition is found in a particular lot it will be important that all other birds in that lot be readily identifiable, and that the source of those birds also be readily identifiable, in order that proper attention may be given to other poultry arriving at the processing establishment from such sources.

Mrs. MAY. Will the gentleman answer a further question?

If birds in a lot are condemned by inspectors of the Department of Agriculture during the slaughter and processing operations at any one establishment, may information concerning such condemnations and the total number of birds processed in the particular lot be furnished to the grower, whether he be a contract grower or an independent operator, or to any other person who supplied the poultry to the processor?

Mr. PURCELL. Mr. Chairman, will the gentlewoman yield for an answer?

Mrs. MAY. I yield.

Mr. PURCELL. The answer again is: Yes; the Secretary may make provisions for the furnishing of such information to those persons as well as to the poultry processor. Section 9(a)(5) of the act, as amended by section 9 of the bill, restricts the disclosure of trade secrets, and under section 22 of the act, as added by section 17 of the bill, incorporating section 7 of the Federal Trade Commission Act, employees of the Department are prohibited from making public any information obtained by the Department under the act except as provided by the Secretary or as required by a court.

The information regarding the number of birds in a particular lot and information concerning the number of condemnations in that lot and the reason for such condemnations would not constitute trade secrets when supplied to the individual who delivered the lot, and the Secretary should make provisions for furnishing such information to the grower or supplier of the poultry as well as to the processor. Of course, such information would constitute a trade secret otherwise and would be protected against disclosure to those not directly involved with respect to the poultry in question, and there is no intent to change current practice in this regard.

It is the view of the committee that it is important that such information be furnished to the grower or owner of the poultry in order that he may be in a position to take whatever action may be

necessary to eradicate any disease or other abnormal conditions in his flock so that poultry subsequently sent to a processing plant from that flock will not be diseased or otherwise so abnormal that condemnations will be necessary. This would play an important part in furthering the objectives of this legislation.

At this point, I would like to read a letter from Secretary of Agriculture Orville Freeman outlining the administrative intent of the U.S. Department of Agriculture with regard to this particular provision of the bill:

DEPARTMENT OF AGRICULTURE,
Washington, D.C., June 11, 1968.

HON. GRAHAM PURCELL,
Chairman, Subcommittee on Livestock and
Grains, Committee on Agriculture, House
of Representatives, Washington, D.C.

DEAR MR. PURCELL: I am writing in answer to the question which has been raised as to what the Department's position would be under H.R. 16363, the Wholesome Poultry Products Act, reported by the Committee on Agriculture, in regard to requiring processors to slaughter and process poultry received from individual growers as separate lots and the furnishing of inspection information relating to the particular lot to the grower whether he be a contract grower or an independent operator.

It is our understanding that the question arises by reason of the fact that it is the view of some members of the Committee that it is important that the various lots of poultry be handled separately. This view is based on the fact that separate antemortem inspection of each bird is not required under section 6. Therefore, if any abnormal condition is found in a particular lot, it will be important that all other birds in that lot be readily identifiable, and that the source of those birds also be readily identifiable in order that proper attention may be given to other poultry arriving at the processing establishment from such source. It is our further understanding that it is felt that it is important where birds in a lot are condemned by inspectors of the Department that information concerning such condemnations and the number of birds processed in the particular lot be furnished to the grower whether he be a contract grower or an independent operator. This is necessary in order that he may be in a position to take whatever action that may be required to eradicate any disease or other abnormal conditions with respect to his flock so that poultry subsequently sent to a processing plant would not be diseased or otherwise subject to condemnation.

There would appear to be merit in the foregoing views. Section 14 of the Poultry Products Inspection Act, as amended by the Bill, provides that the "Secretary shall promulgate such other rules and regulations as are necessary to carry out the provisions of this Act." In view of the foregoing, the Department's position would be that regulations should be issued under the Bill, if enacted, requiring processors subject to the inspection requirements to separately slaughter and process lots of poultry received from individual growers and providing for the furnishing to the grower of information developed on inspection concerning condemnations and the total number of birds processed in the particular lot of the grower.

It is believed that if it is the Committee's view that it is within the intent of the Bill for the indicated action to be taken by the Department thereunder, such intent should be made a matter of record in the legislative history.

Sincerely yours,

ORVILLE L. FREEMAN.

Mrs. MAY. I certainly thank the gentleman from Texas for this clarification.

I think it is very important to a number of our poultry producers and growers throughout the country that they have this legislative record made in this respect.

Mr. ZWACH. Mr. Chairman, will the gentlewoman yield?

Mrs. MAY. I will be glad to yield to the gentleman from Minnesota.

(Mr. ZWACH asked and was given permission to revise and extend his remarks.)

Mr. ZWACH. Mr. Chairman, as a member of the Subcommittee on Grains and Livestock, I want to commend the chairman and the gentlewoman from Washington [Mrs. MAY] for the tremendous contribution she has made to this legislation. I associate myself with her remarks and particularly with regard to the remark she made that when a State meets at least all the requirements of Federal inspection then they ought to have the privilege of shipment in interstate commerce. I think this bill is a very definite discrimination against States and processors. When States at least meet the requirements of Federal inspection they should be able to ship in interstate commerce. As the gentlewoman has pointed out, I think this is a weakness of this bill and is something that will need to be corrected if at the Federal level we are really concerned about the welfare of Federal, State, and local units of government.

As a member of the subcommittee which heard this bill, I rise in support of the committee's recommendations for H.R. 16363. This bill is an amendment to the original Poultry Inspection Act passed 11 years ago. Under this program, the American public has received a high quality, wholesome poultry product. At this time, almost 87 percent, over 12 billion pounds, of the poultry sold in retail trade is federally inspected.

The public demands and deserves the assurance of receiving wholesome, clean poultry. This bill will provide that assurance.

Farmers receive about \$2 billion annually from the sale of poultry. It is vitally important to the future income possibilities of this segment of agriculture that consumers can have confidence in the wholesomeness of poultry.

I also urge my colleagues to accept the very small tolerance granted in this bill of \$15,000, exempting from this act the family producer-processor who sells at his farm. Federal requirements for processing facilities as to size of rooms, height of ceiling, et cetera, are financially impractical to these smaller producers. Surely, we must not force small producers out of business or drive all poultry production into corporate hands.

Mrs. MAY. I thank the gentleman.

I now yield to a member of the committee, the gentleman from Mississippi [Mr. MONTGOMERY].

(Mr. MONTGOMERY asked and was given permission to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Chairman, I thank the gentlewoman from Washington for yielding this time to me and wish to thank her for introducing this impor-

tant information in her discussion with the gentleman from Texas [Mr. PURCELL]. Mrs. MAY, I speak of the requirement of processors to slaughter and process poultry received from individual growers as separate lots.

The growing of broilers and turkeys is a very competitive and highly technical business. It is necessary for growers to have certain basic information in order that they might adjust their operations to meet changing conditions.

This directive from the Secretary would simply require that the handler of poultry furnish to each grower an official inspection report dealing with the poultry that he has raised. This inspection report shows the quantity of poultry that is rejected by Federal or State inspectors and gives reasons for these condemnations. This is information that is essential for each grower to have. In addition, a grower should be entitled to a proper accounting for all of his poultry that he delivers.

Mr. Chairman, I am happy that, through this directive, growers will be better informed, a proper accounting will be made to each grower for all poultry that is raised by him and inspected for wholesomeness, and the undesirable practice of penalizing good growers by averaging condemnations will be prohibited.

I endorse this bill as one which provides complete protection for the consumer through uniform high inspection standards and one which has broad support within the poultry industry.

I thank the distinguished gentlewoman for yielding.

Mr. HALL. Mr. Chairman, will the gentlewoman yield?

Mrs. MAY. I yield to the gentleman from Missouri.

(Mr. HALL asked and was given permission to revise and extend his remarks.)

Mr. HALL. Mr. Chairman, I appreciate the distinguished gentlewoman from Washington yielding for some additional points of information.

First, I wish to compliment her and the subcommittee, the distinguished chairman from Texas, the distinguished gentlewoman from Washington, and others who had a part to play in bringing this bill to the floor of the House today for debate, not only out of the committee, but to the floor of the House today, in order that we can work our will on this bill, and through all the machinations which obviously are necessary in order to get a bill here on the floor of the House for discussion.

Mr. Chairman, I think this is a needed bill and thus, along with the remarks of the distinguished gentleman from Mississippi, and certainly of the distinguished gentlewoman from Washington [Mrs. MAY] who is now in the well of the House, they have probably answered my question.

First of all, I come from a great broiler- and turkey-producing territory. We have been vitally concerned with the market and with the production of good food; that is, consumer-nutritious food for which there is adequate return to the producer.

We know about the points raised by the gentleman from Ohio during the discussion of the rule making this bill in order, as to the scarcity of technical and professional personnel. I am well advised concerning the different diseases of fowl and with the problems connected with their production.

Now, this leads to a question which perhaps the gentleman from Mississippi answered, but in view of the charge which has been made with reference to technical and professional personnel on the one hand, vis-a-vis at the other end of the stick—directed toward bootlegging across States lines in order to get "better inspection" by the producer, it has constantly and often been brought to my attention that the union of inspectors or even veterinarians who control the inspectors have different rates of rejections from the same flock and the same brothers, sisters, and cousins of any particular hatch of poults, as in broilers, which is out of all range percentagewise and to the point where accusations have been made that the organization was discriminating against, or prejudiced against, a particular producer for perhaps many reasons.

Is there anything contained in this legislation, or is there anything in the memorandum of agreement—if we may call it that—from the Secretary that would equate and justify the inspection procedures and make it certain that the producer is protected from organizational procedures under such circumstances?

It is my opinion that this is vital to the producer, to the feeder, and to the whole integrated process if we continue in the various States in producing nutritious consumer goods.

May I say to the distinguished gentleman from Washington [Mrs. MAY] and to the distinguished gentleman from Mississippi [Mr. MONTGOMERY], I certainly could not agree more with what has been said about the necessity for objective inspection and decisions thereon.

Mrs. MAY. In our opinion no producer should ever be subjected to regulations that differentiate in one region from another, such conflicting decisions, negate the intent of this legislation. However, that portion of the bill to which the gentleman from Mississippi and I were speaking had specifically to do with the fact that oftentimes growers have their poultry products rejected but the individual producer is not told why the lot is rejected.

In my colloquy with the chairman of the subcommittee I intended to spell out that the intent of this legislation and the intent of the Secretary is to deal with this problem and that the individual producer will be given this information and that this is one intent of the legislation.

The overall problem that my colleague from Missouri speaks to is what I tried to emphasize in my supporting remarks today. The good administration of any regulatory law is no better than the men who administer it or who work on its administrative staffs.

We have a problem, as my colleague from Missouri knows. We have put upon the Secretary of Agriculture and his Department a tremendous job with the

changing of the Wholesome Meat Act. This, the Poultry Inspection Act, is a fairly moderate one. We have not made as many changes in it. I am assuming, however, that we must have more inspectors because of the passage of this bill. It takes time to train them.

I am perfectly willing to be reasonable and patient. However, I have a feeling that the complaints to which the gentleman from Missouri refers may have been built into the system for a long time. We all call upon the Director of this Department to constantly seek for such improper use of inspection authority on the part of any individual in his Department because that man should not be a part of his inspection staff.

Mr. HALL. Mr. Chairman, if the gentleman will yield further, I appreciate her comments. I believe that is exactly right. The error is in the administration and the organization, and oftentimes a little power, especially Federal power, leads to obviation of the public trust, and makes functionaries out of those upon whom it is imposed.

No one wants carcasses served to the public that are not wholesome and nutritious. No one wants lingulism passed by, or lymphoma, or any other problem that we have with these young birds, even when grown under the most exacting circumstances.

But, on the other hand, it would be a paradox if it became a tool of the organization so that rejects from the same brooder house, or the same flock of birds, whatever they may be, were rejected by one inspector at one processing station on a percentage difference greater than 10 or 20 percent over what the same flock was rejected at another station.

I certainly agree that this is a part of the scarcity of trained personnel. It is a part of the lack of guidelines of what the rejects should consist. But any good pathologist would be able to tell anyone of those inspectors at any time about it. And I would hope that in the surveillance and the oversight, and the review by this distinguished committee of agricultural functions that we decry and always play down this as a process of gaining the objectives of whatever the organization might be. I believe it is very important.

Mr. Chairman, I appreciate the gentleman from Washington yielding to me.

Mrs. MAY. I thank the gentleman from Missouri for his contribution.

Mr. PURCELL. Mr. Chairman, will the gentleman yield?

Mrs. MAY. I will be glad to yield to my chairman.

Mr. PURCELL. Mr. Chairman, I thank the gentleman for yielding.

Just in following up what the distinguished gentleman from Missouri has said, I can only say this as the chairman of the subcommittee having jurisdiction of this piece of legislation: That I can assure the gentleman this committee will do anything it can. We shall try to ascertain where and then why such activity is going on, and we will try to maintain some surveillance to establish and maintain as soon as possible the kind of constructive program that we know the gentleman from Missouri wants.

Certainly the gentlewoman from Washington and I have been working together for a long time toward solutions of the problem.

At this point I just want the RECORD to reflect that the subcommittee itself will take interest in it, and try to follow it up to insure that such activity is not going on, at least with the sanction of our committee.

Mr. HALL. If the gentlewoman will again yield, I certainly appreciate that statement, and I want to say that this subcommittee always has cooperated, and indeed, at the time when the brooder problem was acute, and business was being lost to the European Common Market from southwest Missouri and Arkansas, this subcommittee held hearings on the spot, and we have always thanked them for their cooperation.

Mr. PURCELL. Mr. Chairman, I yield to the gentleman from Colorado [Mr. ROGERS].

(Mr. ROGERS of Colorado asked and was given permission to revise and extend his remarks.)

Mr. ROGERS of Colorado. Mr. Chairman, I share the belief of my colleagues in the need for an up-to-date poultry inspection program and I want to commend the Johnson administration for recommending such legislation. But I am concerned deeply over a change made in the bill from its original form.

The exemption provisions of subsection 15(c)(1) of the bill reported by the Agriculture Committee would also greatly impair the effectiveness of the proposed law in protecting all the Nation's consumers.

This provision of the reported bill would exempt from inspection poultry producers selling off their farms, as well as slaughterers and processors whose annual volume of business does not exceed \$15,000. While these are relatively small-scale operations, their complete exemption from all provisions of the proposed poultry inspection law would open up a serious consumer protection gap.

As the bill was reported, such exemptions would be based on the condition that no unwholesome product would be distributed and that no dirty and diseased poultry would be diverted into human food supply channels. However, the absence of any authority to require recordkeeping, the lack of access to records, the lack of identification of product with the name and address of the producer, and the lack of any prescribed sanitation measures with respect to these small operations would make it impossible to enforce the conditions of exemption. And this lack of authority would not be confined to the State within which the product is produced; such product could also be diverted to exempted operations in other States.

While there is a definite need to exempt certain small poultry operations from very costly and impractical continuous inspection, these exemptions should be provided for without creating wider consumer protection gaps than those with which we were initially concerned.

This could be accomplished by exempting from inspection, reinspection, and labeling requirements, farmers selling

poultry directly off their farms provided the product is identified with the name and address of the producer; and exempting slaughterers or processors selling direct to household consumers, restaurants and hotels, or preparing meals for direct sale to consumers.

The Secretary of Agriculture should be permitted to determine and establish a level of production under which exemptions would apply and which will permit the adequate enforcement of conditions of exemptions. The Secretary should also be granted the authority to revoke any such exemption if it is determined that an exempted operation is diverting adulterated or misbranded poultry or poultry products into human food supply channels.

I would like, at this time, to propose the following alternative language for subsection 15(c)(1) which I believe will retain the consumer safeguards initially contained in the proposed amendments to the Poultry Products Inspection Act:

(c) The provisions of this Act requiring inspection, reinspection and labeling shall not apply to (i) poultry producers with respect to poultry raised and slaughtered on their own farms provided the poultry products are identified with the name and address of the producer and provided that such poultry producers do not engage in buying or selling poultry or poultry products other than those produced from poultry raised on their own farms; nor (ii) to any person who slaughters or processes poultry for sale by him directly to household consumers, restaurants and hotels for use in their own dining rooms or in the preparation of meals for sales direct to consumers provided the poultry products are identified with the name and address of the slaughterer or processor when so sold by him and provided that such person does not otherwise engage in the purchase or sale of poultry products; *Provided further*, That persons operating under the foregoing exemptions (i) and (ii) shall not be so exempted if they slaughter poultry or process poultry products in excess of such amounts as the Secretary determines appropriate to effectuate the purposes of this Act and prescribes by regulation; and That any such exemption may be revoked by the Secretary with respect to any establishment if he determines that the operations of an establishment under the exemption have resulted or will result in the distribution of adulterated or misbranded poultry products or that the operator of the establishment has failed to comply with the conditions of exemption.

Mr. PURCELL. Mr. Chairman, I yield to the gentleman from Florida [Mr. BENNETT].

(Mr. BENNETT asked and was given permission to revise and extend his remarks.)

Mr. BENNETT. Mr. Chairman, on the first day of the second session of the 90th Congress, I introduced H.R. 14594, a bill to provide for Federal and State cooperation in the inspection of poultry and fish products. I believe this was the first piece of legislation introduced in this Congress dealing with the critical problem of protecting the American family from unwholesome and diseased poultry products.

The purpose of my sponsorship and support of legislation to strengthen the Poultry Products Inspection Act of 1957 is to assure the general public that the poultry and fish products which they

buy are wholesome, safe, and edible; and also to protect the industry against the unscrupulous minority with lower standards.

Eighty-seven percent of slaughtered poultry and poultry products already is subject to Federal inspection, but we should have 100-percent inspection of poultry to protect the American housewife and her family.

I congratulate the House Agriculture Committee and other sponsors of legislation to bring about proper standards of poultry inspection. The committee has acted speedily on the problem of adequate inspection of all poultry bought and sold in the United States, and the bill before the House today, H.R. 16363, should be enacted into law as soon as possible.

When I began my study into the field of poultry inspection, the most important problem I found was the lack of Federal-State cooperation, not only in inspection, but in information. The legislation before the House today covers this problem.

In my own State of Florida, one of 12 States in the Union with a mandatory product inspection law, poultry industry leaders sparked a program to provide a proper continuous on-the-line inspection for wholesomeness and this program began in January of this year. The Florida program is now comparable to U.S. inspection. Florida has some very excellent modern poultry processing plants, and I am happy to say three of them are located in Jacksonville—in the Third District of Florida, which I represent.

Poultry producers and processors realize the importance of adequate inspection. The American Poultry and Hatchery Federation has written me:

You'll find the industry most eager to cooperate in seeing that all poultry offered for sale is slaughtered under sanitary conditions and is in a wholesome condition when offered to the consuming public. We realize, perhaps as much or more than the average person outside the industry, the importance of maintaining the industry record for integrity.

Legislation I introduced has the support of the American consumer and many organizations. The General Federation of Women's Clubs has written me about my proposal:

You may be assured of our support of this legislation.

My bill covered both poultry and fish and I am hopeful congressional action in the field of fish inspection will follow this important effort today for adequate poultry inspection.

Mr. PURCELL. Mr. Chairman, I yield to the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. Mr. Chairman, according to statistics now available, based upon the law of averages, each person in the United States is likely to have a diseased, contaminated, or adulterated poultry product served to them each year.

This is unnecessary and unpardonable in our modern technologically advanced society and this bill takes the long step toward correction of this situation.

This bill with two relatively minor exceptions, which I would prefer did not

exist, is parallel to the Wholesome Meat Act of 1967 and it is with great pleasure that I rise in support of H.R. 16363, a bill which I have cosponsored.

Last year Congress passed the Wholesome Meat Act which will help to protect the consumer against impure and unwholesome meat. Today we have another important consumer bill to consider—the Wholesome Poultry Products Act, which applies almost the identical inspection and labeling protection to poultry products that is applied to red meat by the Wholesome Meat Act of 1967.

The present Poultry Products Inspection Act was enacted 11 years ago. However, the 1957 act provides only for Federal inspection of poultry and poultry products processed by plants shipping in interstate and foreign commerce. Poultry which does not move across State lines is subject only to State or local inspection which in most cases is either nonexistent or substantially below Federal inspection standards.

H.R. 16363 would also amend the Poultry Products Inspection Act to authorize the establishment of a Federal-State cooperative inspection service for poultry products, comparable to the one permitted under the Wholesome Meat Act. For those States which prefer to perform the intrastate inspection service, the Secretary of Agriculture would be authorized to cooperate in developing and administering poultry inspection programs that are at least equal to the inspection programs administered by the Federal Government. Such cooperation would be in the form of technical, planning, and financial assistance. States would be allowed 2 years to implement such a system, except that an additional year may be granted if the Secretary has reason to believe that the State will meet these requirements within that period of time.

The bill would also make poultry products which are capable of use as human food subject to ante mortem and post mortem inspection. In addition, H.R. 16363 would clarify the authority of the Secretary regarding labeling. It would also authorize the Secretary to seize and detain for up to 20 days poultry, poultry products, or 4D poultry—that is, dead, dying, diseased, or disabled—if there is reason to believe that the article is adulterated, misbranded, or distributed in violation of the act.

Poultry processing is an industry with nearly \$3 billion in annual gross sales and provides approximately \$2 billion a year to American farmers. Nearly 87 percent of the 12 billion pounds of poultry consumed in the United States is inspected under Federal law. However, 13 percent—1.6 billion pounds—is subject only to State or local inspection and it is in most cases minimal at best. Only 12 States impose mandatory ante mortem and post mortem inspection, and only five of these States have active inspection programs. Five States provide for voluntary inspection, while the remaining States have no poultry inspection laws.

The American consumer pays for this neglect, which may be in the form of

poorer quality or unwholesome poultry. For example, the Department of Agriculture conducted a study in January 1968 of uninspected poultry in 37 retail outlets in 16 States. Approximately 20 percent of the carcasses observed would have been rejected as unwholesome under Federal inspection either because of diseased parts or because it was handled in a way that resulted in parts becoming contaminated. On the other hand, the Department examined federally inspected poultry in 34 retail outlets in the same 16 States and found the poultry to be wholesome. Some defects were observed, but they were confined to ready-to-cook factors—such as a missing chicken gizzard.

In poultry processing plants that are federally inspected, 4 percent—over 400 million pounds—of the poultry is rejected because it is diseased or contaminated. There is every reason to believe that this percentage would be equivalent or higher in uninspected plants. When we apply the same percentage of rejection to the poultry which is not federally inspected, we get an additional 64 million pounds which should be rejected. Yet, this estimate is likely to be on the conservative side, since there is a practice among some poultry producers to send inferior poultry which would face rejection under Federal inspection to plants which are not federally inspected.

The total impact of these statistics indicates that each person in the United States, based on the law of averages, is likely to have a diseased, contaminated, or adulterated poultry product served to him during the year. This is unnecessary and unpardonable in our modern, technologically advanced society.

Therefore, I urge you to support the enactment of the Wholesome Poultry Products Act in order first, to protect consumers from having inferior and mislabeled products pawned off on them; second, to protect producers against market loss by inferior products replacing wholesome poultry products; third, to protect adequately inspected processors from unfair competition; and fourth, to help protect the health of Americans.

(Mr. SMITH of Iowa asked and was given permission to revise and extend his remarks.)

Mrs. MAY. Mr. Chairman, I yield 10 minutes to the gentleman from Iowa [Mr. MAYNE].

Mr. MAYNE. Mr. Chairman, I wish to join those who have preceded me in this debate in congratulating the distinguished chairman of the Subcommittee on Livestock and Grain and the distinguished ranking member of the committee on the Republican side, the gentleman from Washington [Mrs. MAY], for the excellent work they have done on this bill, and for their great leadership throughout the hearings in the consideration of the bill.

Since Congress passed the Poultry Products Inspection Act in 1957 there has been a revolutionary development of mass production techniques in major segments of the poultry industry. This has been especially true in the broiler

industry. The executive vice president of the National Broiler Council testified before the subcommittee that production in this industry took off like a jet after World War II and has been going up ever since. U.S. broiler production went from 310 million birds in 1947 to 2.6 billion birds in 1967. This has been made possible by tremendous technological advances and automation and the creation of giant poultry farms and processing plants.

The typical broiler plant now processes approximately 4,800 birds per hour, with an estimated output of 60 birds per man-hour. It achieves this through palletized coop-handling, automatic killing, automatic giblet pumping, automatic skinning, chilling, and wrapping systems; automatic sizing and weighing and icing and box closing, palletized and motorized handling of the finished product, and automatic overhead conveyor systems. Approximately 75 percent of the output of these big modern plants is sold more than 200 miles from the point of slaughter, with the birds being raised in areas of concentrated commercial production far removed from the large cities. This is big business indeed.

Dr. George L. Mehren, Assistant Secretary of the Department, make it clear in his testimony that it is these dynamic changes in the highly automated, mass producing segments of the poultry industry which require the more effective and detailed regulation which are provided for in this bill. He stated:

In summation, the original Poultry Products Inspection Act requires amendments to effectively regulate the modern, aggressive industry as we know it today and envision it in the future.

However, there are still many smaller poultry growers and processors who are supplying their own local communities in much the same way as they did before World War II. As to them the additional regulatory provisions of this bill are neither necessary nor in the public interest.

For example, many farm wives still raise a few hundred chickens a year, and kill and dress them for sale direct to folks in town or to the local meat market. They do this to provide a little additional spending money for use at Christmas, family birthdays, and in connection with other family projects. And we still have small processors who handle locally grown poultry for sale to local hotels, restaurants, and stores.

It is not these modest operations on such a small scale which have necessitated more detailed and stringent regulation, and clearly Assistant Secretary Mehren was not talking about them when he testified that more effective regulation of a "modern aggressive industry" was needed. But as so often happens, the Department was so interested in taking care of the big problem posed by these revolutionary new developments, that they concentrated on that area and overlooked the impact which this bill would have on small producers and processors who were still operating as they always have and creating no problem whatsoever. And so unfortunately this bill was originally drawn with only the

big fellow in mind and with no allowance being made for the little fellow.

In other words, requirements which might well be reasonable, necessary, and economically feasible as far as one of these big modern plants processing approximately 5,000 birds an hour is concerned would be wholly unnecessary and unreasonable when applied to a small farmer or businessman. For example, the bill as originally drawn would prohibit a citizen from slaughtering or processing poultry in any amount no matter how small unless he complied with detailed labeling requirements listing all of the things set out in section 4(h) at page 7 and page 9 of the bill. Even the smallest grower or processor would have to keep detailed records and receive Federal inspectors at his places of business to inspect and copy his records as well as undergo physical inspection of the premises and products. He would have to package and label the poultry in a strictly prescribed manner. He would have to register with the Secretary of Agriculture and could be required to submit detailed reports to the Secretary in order to remain in business.

Now I think it is obvious that such detailed and onerous requirements are unnecessary and would amount to a serious case of overkill insofar as the family farmer and small businessman are concerned. Unlike big businessmen, they would be physically and financially unable to comply with all the reporting, recordkeeping, labeling, packaging, and other requirements of this bill. Rather than submit to all this redtape and expense, the great majority of them would just have to quit the poultry business altogether. Such a development might not occasion much anguish among the owners of the automated superplants who would have that much less competition, nor among the labor unions who find it easier to organize the larger plants. But certainly the family farmer and his wife have enough difficulty today without being denied the chance to supplement their meager income with what can be earned through their own hard work in raising and dressing poultry on the family farm.

And so in order to prevent the family farmer and the small businessman from being driven out of the poultry business altogether, I sponsored an amendment which I am happy to report was accepted both by the subcommittee and the full Committee on Agriculture and which appears at section 14(c) subparagraph 1 at page 33 of the bill. This exempts farmers who do not slaughter more than \$15,000 worth of poultry on their own farms during a calendar year from the requirements of this act. Similarly exempted are small businessmen who do not slaughter, process or sell more than \$15,000 worth of poultry in the calendar year. This is \$15,000 gross volume, not gross profit. I want to make it clear that these exemptions are extremely narrow and are strictly limited by the following very adequate safeguards:

First, the exemption does not apply if any of the poultry moves in interstate commerce.

Second, the exemption does not apply if any of the poultry or poultry products handled by the farmer or small businessman are not sound, healthful, clean, and otherwise fit for human food. So the consumers protection against unwholesomeness is not diluted in anyway or any degree by this amendment.

I hope my colleagues will agree that in this day and age a farmer or businessman who slaughters poultry having a wholesale dressed value of less than \$15,000 a year is relatively speaking a very small operator indeed. Because he uses hand methods he is not able to market the product at as low a price as the large automated mass producers, but he is able to sell to local customers who are familiar with the quality and origin of the poultry they are buying, and are willing to pay a somewhat higher price.

Homegrown chickens are therefore apt to have a wholesale dressed value of more than a dollar, probably on the average of about \$1.20. Only about 12,500 of such chickens could be handled a year under the \$15,000 exemption without coming within the provisions of the act. 12,500 birds is only 2½ hours production in the typical modern broiler plant. They are the ones for whom this act was designed, and they are the ones who can live with it. But through the \$15,000 exemption of the Mayne amendment we are making it possible for the small farmer and businessman to remain in the intrastate poultry business.

Mr. HALPERN. Mr. Chairman, the loopholes in the Poultry Products Inspection Act of 1957 must be plugged for it still allows 1,600,000 pounds of poultry products to go on the market each year without Federal inspection. This, my colleagues, represents 13 percent of our total production.

This serious deficiency can be corrected by the enactment of this bill, a measure identical to the one I introduced on February 27, 1968, H.R. 15622.

Poultry processing is a huge business in America. The industry enjoys gross annual sales of almost \$3 billion. If we are to protect and expand this market, we must be able to assure the consumer that the poultry products offered for sale are always clean and wholesome.

The intent of H.R. 16363 is similar to the provisions of the Wholesome Meat Act that was passed by Congress last year and became law on December 15, 1967. I want to emphasize that the proposed legislation would not supplant the present Poultry Products Inspection Act of 1957; it would merely amend and improve it.

From previous hearings I have learned that unwholesome poultry products can spread 26 different diseases to human beings. Even more alarming is the fact that children in certain States may be exposed to these diseases through the Federal school lunch program. This is one of the obvious loopholes that must be plugged without delay.

H.R. 16363 has measures similar to those in title II of the Federal Meat Inspection Act. The bill would authorize surveillance of the activities where adulteration or misbranding could occur other than in just the processing or

slaughtering phase. Those subject to such supervision would include, among others in commerce, poultry products brokers, renderers, animal-food manufacturers, and dealers in 4-D poultry. The 4-D is a trade term that means dead, dying, disabled, or diseased poultry.

For these reasons, I strongly urge that this bill receive a resounding approval today.

Mr. KYROS. Mr. Chairman, today, Federal poultry inspectors reject about 4 percent of the poultry processed and sold in interstate commerce because it is diseased, contaminated or adulterated.

As President Johnson pointed out in his consumer message to this Congress last January, there is every reason to believe that, under today's conditions, the percentage would be even higher in poultry slaughtering and processing plants operating in intrastate commerce where there is no Federal inspection.

At the present time, only 4 States operate mandatory inspection programs. Poultry slaughtering and processing plants in the remaining States are subject only to general food and health laws.

Last year, American consumers bought 1.6 billion pounds of poultry and poultry products processed under what has been called "minimal" State inspection.

The President recommended the passage of a Wholesome Poultry Products Act to close the existing consumer protection gap, and provide a uniform standard of wholesomeness for the inspection of all poultry—whether Federally or State inspected.

This Congress owes the American consumer no less protection of his poultry supply than that afforded his meat supply. The Wholesome Poultry Products Act (H.R. 16363) now before this Congress will provide that protection. It will provide the Federal and State governments with the machinery to eliminate the potential hazards of diseased and contaminated poultry.

Like the Wholesome Meat Act of 1967, the Wholesome Poultry Products Act will provide for Federal technical and financial assistance to any State wishing to establish and enforce a poultry inspection program at least equal to Federal inspection.

This Congress must act now to close the consumer protection gap in the Nation's poultry supply—with swift and favorable consideration of the Wholesome Poultry Products Act.

Mr. MOSS. Mr. Chairman, the poultry inspection bill, H.R. 16363, which is under consideration here today, goes a long way toward providing consumers the same assurance of the wholesomeness and safety of their poultry as the Wholesome Meat Act provides for their meat supply.

I wish to commend the Johnson administration for recommending legislation in this field.

This poultry inspection bill, however, falls short of the mark, and for two primary reasons:

Subsection 9(a) of the reported bill qualifies the prohibitions against the slaughtering and processing of poultry without the required inspection, and the

sale and transportation of adulterated and misbranded poultry, with the term "knowingly." This terminology is foreign and contrary to any legal statute designed to protect the public safety and health. If this legislation is to achieve the desired result, it must be strongly impressed upon the food industry that unfit poultry and poultry products cannot be allowed into human food supply channels, either knowingly or unknowingly. I strongly urge that the term "knowingly" be deleted from subsection 9(a) of the reported bill.

I would also urge that some changes be made in the language of subsection 15 (c) (1) of the reported bill.

While the exemption provisions of the subsection would apply only to those producers selling directly off their farms, and to slaughterers and processors operating at a volume of less than \$15,000 per year, the complete exemption of such operators would make it next to impossible to enforce the conditions of exemption; that is, that no unwholesome, adulterated, or misbranded poultry would be diverted into human food supply channels through such exempted operations.

I would strongly recommend that certain small operations in which continuous inspection would be too costly or impractical be exempted from the inspection, reinspection, and labeling requirements of the proposed bill, but that these operations be subject to all other provisions, particularly those pertaining to sanitation requirements, recordkeeping, and identification of the producer or processor of the product.

The Secretary of Agriculture should be permitted to determine the size of the operations which are to be exempted, and he should be empowered to revoke such exemptions should he find that exempted operations are channeling unwholesome, adulterated, or misbranded poultry into the Nation's food supply.

Mr. BOLAND. Mr. Chairman, I rise in support of H.R. 16363, a bill that would broaden and strengthen the Poultry Products Inspection Act.

In essence, H.R. 16363 is similar to the Wholesome Meat Act which was approved by Congress last year and became law on December 15, 1967. Now, we must apply the same high standards to poultry products. Under present inspection procedures, only 87 percent of these commercially handled products are being inspected by the Federal Government Products Inspection Act of 1957.

The inspection system developed under the 1957 act is a good one. It has served us well. It has come to be recognized as a model for the world. It is a system which warrants the confidence of the consumer, because it assures that birds or poultry products carrying its mark are wholesome, unadulterated, and honestly labeled.

Yet, this legislation does not provide complete assurance that consumers have access to wholesome poultry because not all poultry sold is inspected adequately, or at all. In fact, more than 1.6 billion pounds of poultry is slaughtered each year without Federal inspection.

H.R. 16363 would not replace the Poultry Products Inspection Act but would amend it to include the necessary improvements.

In previous hearings on the bill, witnesses have testified that unwholesome poultry is capable of carrying 26 different diseases to man. Among those exposed to these diseases are the children who eat food provided by the Federal school lunch program in certain States. This fact alone should be sufficient to prompt Congress to close the loopholes in the Poultry Products Inspection Act.

Since this is exactly what H.R. 16263 is designed to do, I strongly urge that the bill be enacted into law without delay.

Mr. BROWN of California. Mr. Chairman, today, this Congress has the opportunity—and, indeed, the obligation—to improve the protection afforded the Nation's poultry supply. I therefore urge favorable action on H.R. 16363, the poultry inspection bill reported to us by the House Committee on Agriculture.

I wish also to commend the Johnson administration for recommending and supporting the legislation.

I believe this bill can be another landmark in consumer protection, just as was the Wholesome Meat Act of 1967.

However, subsection 9(a) of the bill reported by the Agriculture Committee states that "no person shall knowingly" slaughter or process poultry without the required inspection, or "knowingly" sell or transport adulterated or misbranded poultry or poultry products.

The introduction of the term "knowingly" greatly lessens the intended effect of this legislation, and is contrary to the concepts of most legal statutes designed to protect the public health and safety. It is simply not reasonable to include in a law of this nature the implication that those responsible for the Nation's food supply may be careless so long as there is no intent involved.

Another objection to this terminology—a somewhat more technical consideration, but an equally important one—is the fact that other statutes, such as the Federal Food, Drug, and Cosmetic Act, do not qualify their prohibitions against violative practices. If H.R. 16363 is passed as reported by the committee, successful prosecutions of violations will require proof of intent, while violations of identical provisions of the food and drug law will require only proof that the violation did, in fact, occur.

If we are to pass a law consistent with the basic principles of consumer protection and with other existing consumer protection legislation, the term "knowingly" must be deleted from subsection 9(a) of H.R. 16363.

Mr. PICKLE. Mr. Chairman, I would like to record my support for the Wholesome Poultry Products Act, H.R. 16363, which is being considered by the House today.

I hope to be here to vote for the measure, but a prior speaking engagement may call me away before the vote is taken. Accordingly, I wish to register my support now.

Mr. Chairman, the Wholesome Poultry Products Act is merely an extension of the job we started on the Federal Meat Inspection Act enacted last year. It will create a similar system of Federal-State cooperation for assuring that all poultry products offered for sale to the public are pure and unadulterated.

I commend the sponsors of this bill and the House Agriculture Committee for its untiring efforts.

Mr. DONOHUE. Mr. Chairman, I most earnestly hope that the House will very soon and overwhelmingly approve this bill before us, H.R. 16363, the Wholesome Poultry Products Act, which is designed to bring poultry inspection services up to the high standards required for the protection of the health and safety of poultry consumers throughout the country. This bill amends the existing Poultry Products Inspection Act by authorizing the establishment of a Federal-State cooperative inspection service for poultry products comparable to that established under the Federal Meat Inspection Act we recently approved here.

The operating objective of this bill is to insure that the approximate 13 percent of the poultry that is slaughtered, for public consumption, each year in the United States without Federal inspection will be promptly covered by the same requirements that now apply to the 87 percent that is federally inspected.

Through help in the development of trained staffs and the provision of funds by the Federal Government, the States are encouraged to enact and administer effective mandatory inspection programs under State administration or jointly with the Federal Government. Two years are allowed the States in which to implement such a system. If the Secretary has reason to believe a State will meet this requirement, an additional year will be given to complete the installation and employment of the system.

The bill extends Federal inspection and regulation to poultry processed for shipment within the States where the States do not enforce requirements at least equal to the Federal requirements after the specified times above.

Where poultry products processed solely for intrastate commerce endangered the public health, the Federal requirements could, under specified conditions, be applied at any time to those particular establishments.

Mr. Chairman, this legislative proposal is obviously of incalculable benefit to every American consumer, its projection scope is reasonable and it does not visit any extreme or extraordinary hardships or harassments upon any legitimate segment of the poultry industry. By every standard it merits adoption and I urge the House to promptly take such adoption action in the public interest.

Mr. VANIK. Mr. Chairman, I rise in support of the Wholesome Poultry Products Act of 1968, legislation which is of similar nature and importance as the Federal Meat Inspection Act of 1967. This legislation would extend Federal inspection standards to the bulk of poultry presently slaughtered and sold intrastate. At the present time 13 percent of America's poultry production falls in

this category, and while this does not sound like much, it amounts to almost 1.6 billion pounds of uninspected meat.

It is imperative that the Federal Government move in this area, because there has been an almost complete failure by the States to provide adequate inspection. There are 12 States which have laws providing for inspection programs, but only four of these—California, North Carolina, Illinois, and Wyoming—have active programs. Some States have voluntary inspection programs but it is reported that only about six plants take advantage of these programs. Some 33 States have general food and health laws, but inspection of poultry processing plants depends upon the resources available for random checks.

There is a clear need to extend inspection. As Agriculture Department witnesses testified before the House Agriculture Committee, a check was run on inspected and uninspected poultry sold in retail outlets in 16 States during this last January. While the entire sample of inspected poultry was found to be sound and fit for human consumption, only 18 percent of the 316 samples of federally uninspected carcasses "appeared satisfactory following gross examination," and 20 percent of them should have been condemned as unwholesome.

Although this legislation and last year's clean meat bill have moved this country a long distance toward the goal of unquestionably clean and sound red meat and poultry, there remain areas in which action should be taken.

I have long advocated that certain meat products should receive clearer quality grading. One item, bacon, varies a great deal in quality, water content, fat content, and—after everything else—meat content. Bacon and similar products should be graded so that the consumer knows what to expect when he buys these very expensive products.

I ran into one other interesting question of meat inspection and labeling while shopping last week. I happened to pick up a tin of Libby's corned beef. I trusted the tin because the name on it was familiar, and trustworthy. I assumed that the contents met American health and sanitary standards. Then I read the fine print. This meat was a product of Paraguay and was "packed under Paraguayan Government Inspection." I ask you, what does that mean?

I have found out from the Department of Agriculture that Paraguayan meat which is shipped to the United States is packed in only three plants which are periodically inspected by the U.S. Department of Agriculture. I believe that if this foreign meat qualifies for entrance to the United States, it should be stated on the label that it meets the standards of the U.S. Department of Agriculture. If this foreign packed meat does not meet U.S. standards that should be clearly stated.

The American consuming public expects, when it sees meat on the market shelf, that that meat is safe, as defined by standards set by the Department of Agriculture. That fact should be stated. The unqualified statement that meat has

been inspected by a foreign government, is not adequate information.

Finally, this can of Libby's Paraguay-an beef is improperly labeled. It does not meet one of the first provisions of the truth-in-packaging law passed in November of 1966. This tin's label states that it contains eight to 10 medium slices which serve approximately four to five people. The truth-in-packaging law clearly states that "the net quantity of a serving must be stated if the package bears a representation concerning servings." I am calling the attention of the FDA and FTC to the problem of mislabeling of foods prepared and packed in foreign countries.

Mrs. SULLIVAN. Mr. Chairman, the bill now before us carries out an objective I have been seeking to achieve ever since the passage of the Poultry Products Act of 1957—legislation which I initiated more than a dozen years ago with the objective to assure the wholesomeness not only of all poultry sold in interstate commerce, but also of that sold in major consuming areas within the same State in which the poultry is processed. I thought we had solved the problem in 1957, but while the law we passed at that time seemed clear enough to me in its intent and language, I was never able to have its provisions on major consuming areas put into effect.

We have been plagued in St. Louis for many years with unwholesome poultry coming into our city from within Missouri. But each time I tried to have the provisions of the 1957 law put into effect to declare St. Louis a major consuming area so that all poultry sold there would be subject to compulsory Federal inspection, the Department of Agriculture technical people decided that the circumstances were not quite exactly as required by the 1957 act, and the designation was never made.

Yet the Department's technicians insisted that the major consuming area provision of the 1957 act was worthwhile. Hence, in 1962 when President John F. Kennedy, in his first consumer message, discussed the threat to public health and safety from uninspected meat sold only in intrastate commerce, I proposed that we adopt to the meat inspection law the major consuming area concept of the Poultry Products Inspection Act. The Department did not back me up on this, however. When my bill on compulsory Federal inspection of red meats sold in intrastate commerce in major consuming areas was sent by the Committee on Agriculture to the Department for its comments, the Department proposed a different approach to the problem, sending up to Congress a draft of a bill which the administration would support which included the major features of the legislation we finally passed last year known as the Wholesome Meat Act.

Subsequent to the passage of that law, I wrote as follows to Secretary of Agriculture Orville L. Freeman:

HOUSE OF REPRESENTATIVES,
Washington, D.C., December 11, 1967.
Hon. ORVILLE L. FREEMAN,
Secretary of Agriculture,
Washington, D.C.

DEAR ORVILLE: Can I involve you in another issue? I need your help.

If you have had a chance to read the debate in the House on the Meat Inspection bill, you probably noticed my references to the need for getting at the problem of bad poultry processed and sold in intrastate commerce. I am enclosing a copy of my remarks in case you missed them.

Please look them over. And, if you have the hearings of the House Agriculture Committee on the Meat Inspection bill, I hope you will turn to my testimony beginning on page 41 through page 63. It deals more with poultry than with meat.

I am writing to you rather than to the Consumer and Marketing Service people because they know all about this issue already and what I need is some guidance or assistance from you.

I have never been able to understand the need for separate Poultry and Meat Inspection laws. When I started on the poultry problem 11 years ago, my inclination was merely to amend the Meat Inspection law to include poultry. But I was talked out of that by some of the strategists who felt that we could have a better chance of getting help from Members of the Agriculture Committee from poultry-raising areas if they thought that whatever distinctive or unique aspects of poultry, compared to meat, could be taken care of in the legislation.

So for 10 years we have had two separate laws, even though now both are under the same administrative direction. I pleaded with the Agriculture Committee to handle the problem of intrastate inspection for both meat and poultry in the same way—either by adopting the "major consuming area" machinery of the Poultry Act for Meat Inspection or else amending the Poultry Act to conform to whatever setup was devised for Meat Inspection. As you know, the idea did not get very far in this session.

It is my intention to offer new legislation in the second session to provide authority for coverage of poultry in intrastate commerce. I would appreciate help from you on this, specifically:

(1) A draft of a suitable bill which I could introduce;

(2) The initiation by your Department of the kind of study into conditions in the non-inspected poultry plants similar to the surveys made by your meat inspectors into conditions in the uninspected meat packing plants.

The information developed by the meat inspectors was a prime factor in getting Congress to pass H.R. 12144.

In asking for this assistance, I perhaps should point out that I was the first Member of Congress to call for compulsory Federal inspection of poultry and, although it was not a bill with my name on it which became law, I feel I am justified in claiming the credit for its enactment in 1957. So I am not trying to jump on someone else's project. As a matter of fact, some of those who were most active in the fight for the Meat Inspection bill have indicated their desire to join me now in bringing the Poultry Act up to date and meeting the problems of intrastate poultry fitness. We have failed in implementing the machinery of the 1957 Act for intrastate use. If that Act is not practical, then I want something which I could introduce which would solve this problem.

I am sure there must be millions of pounds of poultry sold only in intrastate commerce and I would suspect that most of this comes from plants which could not possibly meet the requirements for Federal inspection.

Sincerely yours,

LEONOR K. SULLIVAN,
Third District, Missouri.

His reply was as follows:

U.S. DEPARTMENT OF AGRICULTURE,
December 21, 1967.

Hon. LEONOR K. SULLIVAN,
House of Representatives,

DEAR MRS. SULLIVAN: I am glad to get your letter of December 11 requesting assistance

in developing amendments which would strengthen the Poultry Products Inspection Act. We have been studying this problem for several months and we are concerned that substantial quantities of commercially produced poultry products do not receive adequate inspection to assure wholesomeness.

We have made a careful reexamination of Section 5 of the Poultry Products Inspection Act and efforts have been made several times to use this provision to extend the Federal inspection program where consumers were not receiving adequate protection. We do not believe that this Section of the Act as presently written will produce the desired results. We are in the process of developing amendments that would provide adequate inspection using provisions similar to those contained in the new Wholesome Meat Act.

Just as soon as we have the language available, we will call you. We appreciate your continued interest and look forward to working with you on this matter.

Sincerely yours,

ORVILLE L. FREEMAN,
Secretary.

Early this year, Secretary Freeman did submit a wholesome poultry bill, which I introduced as H.R. 15149 and which other Members of the House also introduced. H.R. 16363, now before us, represents the gist of that bill, with modifications made by the Committee on Agriculture.

Mr. Chairman, under unanimous consent, I submit the statement I delivered before the Committee on Agriculture during the hearings on this legislation, giving my views on the subject matter of the bill now before us, as follows:

TESTIMONY BY CONGRESSWOMAN LEONOR K. SULLIVAN

I am deeply grateful for all of the attention now being given to the serious problem of diseased and unwholesome poultry moving freely onto consumers' dinner tables in intrastate commerce. The bills now before this Subcommittee, and the strong support of the Administration for action in this field, are very encouraging to me, after trying for nine or ten years to stir interest in the problem and having the lonely feeling that no one outside of St. Louis seemed to be overly concerned, or seemed to see any effective solution for it.

It was my feeling eleven years ago that we had solved the problem by providing machinery in the Poultry Products Inspection Act of 1957 to authorize Federal inspection for wholesomeness of every pound of poultry sold in this country, including that processed and sold only within a state.

But the elaborate machinery in the 1957 Act to authorize Federal inspection of the poultry processed and sold within the states has never been put to use. Up until last December, the Department of Agriculture had maintained that the "major consuming area" machinery of the 1957 Act had some value in combatting the problem, but in December the Secretary advised me that the Department had concluded it was not a practical solution and would help me devise a new one based on the provisions of the Wholesome Meat Act of 1967.

The problem of diseased poultry in intrastate commerce is no more and no less serious now than it has been during all of the past eleven years. I am just sorry that we have wasted eleven years without doing much about it. But the fact that there is now such widespread agreement on the need for action is, as I said, very encouraging to me, and I hope we can promptly proceed to pass effective legislation.

CHANGES IN CLIMATE SINCE LAST YEAR—BUT
BAD POULTRY SITUATION REMAINS

The printed hearings of this same Subcommittee last year on the Meat Inspection bill

contain many pages of documentation on the problem of bad poultry processed and sold within the same state, and on my long efforts to try to have such poultry coming into the St. Louis area from outstate Missouri made subject to compulsory Federal inspection under the 1957 law. The only things different now from the situation when I testified before you last year are:

First, the Congress has enacted a different type of machinery for combatting the equally serious problem of unfit beef, pork, lamb and other red meats being sold in intrastate commerce;

Second, the Department of Agriculture has changed its mind about the practicability of Section 5 of the Poultry Products Inspection Act of 1957 and no longer believes it can be used effectively in dealing with uninspected poultry in intrastate commerce; and

Third, the mood of the Congress and of the public has progressed to the point where the health and safety aspects of this issue of bad food in intrastate commerce are finally being recognized.

When I appeared before you on the Meat Inspection bills last year, I urged that we tackle the problems of bad meat and bad poultry simultaneously, applying the same solutions to both. I suggested that you investigate the usefulness of the "major consuming area" provision of the Poultry Act and if you found it workable, apply the same principle to meat inspection and then insist that the Department put this machinery to use immediately. However, I added, if you found that the Poultry Act machinery for intrastate inspection was not practical, you should recommend that Congress repeal it and replace it with a new approach for both meat and poultry—but the same approach in each case.

I have never seen any value in having separate Meat Inspection and Poultry Inspection laws. My original proposal in 1956, before we enacted the law for compulsory inspection of poultry in interstate commerce, was merely to amend the Meat Inspection law to include poultry. Apparently, that was much too simple a solution, and we proceeded, instead, to enact a separate law just for poultry. And then, last year, we revised the Meat Inspection law to get at the problem of intrastate shipments, but did nothing about the companion problem in unwholesome uninspected poultry.

MORE THAN A SCORE OF POULTRY DISEASES TRANSMISSABLE TO HUMANS

Now, we are finally proceeding to a solution of the poultry problem, and, while we can take some solace in the thought "better late than never," the fact is that it is very late and lots of Americans, including children participating in the School Lunch Program, are the targets of at least 26 diseases which can be transmitted to man from unwholesome poultry. We have known about the dangers to humans from those diseases from poultry for at least a dozen years—since I brought to the attention of Congress in 1956 a report from the Food and Drug Administration which was instrumental in achieving the passage of the 1957 law.

The Wholesome Meat Act passed last year was good legislation, in the form in which it finally became law. I congratulate all of the Members of this Subcommittee who took part in drafting the final version of the bill. Since the poultry program was left untouched, I said at the time that I would ask the Secretary of Agriculture to prepare a draft of legislation which I could introduce this year to bring the Poultry Act into conformance with the Wholesome Meat Act as it relates to intrastate commerce. H.R. 15149 is the result of that request. Except for the title, which I changed, H.R. 15149 is exactly the same, I believe, as the bill introduced by Mr. Purcell, Mr. Dow, Mr. Smith of Iowa, and Mr. Foley, H.R. 15146. On the other hand, I

think Mr. Poage's bill, H.R. 15154, depends upon voluntary cooperation by the states, similar to the Meat Inspection bill originally passed by the House last year prior to the development of a much stronger bill in Conference, and would not solve the serious problem of unwholesome poultry sold only in intrastate commerce.

UNFAIR COMPETITION FROM UNINSPECTED PLANTS

A letter I received just the other day from a poultry processor in outstate Missouri comments on one aspect of this problem—the unfair competition to inspected plants from uninspected poultry sold in the state of Missouri. The letter is as follows:

FEBRUARY 12, 1968.

Representative LEONOR K. SULLIVAN,
House of Representatives,
Washington, D.C.

DEAR MRS. SULLIVAN: It is indeed a pleasure to read of your efforts concerning the federal inspection of all poultry consumed in the U. S. Having been in the broiler industry for quite a number of years in Southeast Missouri, I think I have accumulated quite a bit of knowledge of what you have been trying to get done. I have seen non-inspected poultry being sold in the St. Louis area for a number of years now and it is not only unwholesome, but creates a financial disadvantage to plants such as ours which comply with USDA standards price wise.

We have a non-inspected plant at Cape Girardeau, Missouri that has been selling chickens in our area not only to the public, but also to the college and schools as well. I believe two years is too long to allow these plants to keep supplying unwholesome products to the consumer.

Your efforts to apply the 1957 USDA law of making St. Louis area a major consuming area, should be commended and certainly not forgotten.

Again, let us offer our appreciation for your efforts.

Sincerely,

SCHOOL LUNCH PROGRAMS CAN SERVE UNINSPECTED POULTRY

When I read this letter I could not believe that schools participating in the School Lunch Program could be buying uninspected poultry. It just did not make sense. The poultry furnished by the Department of Agriculture under section 6 of the School Lunch Act is purchased only from Federally inspected plants but I have now learned that the schools themselves are free to purchase uninspected poultry with their own funds, or even with donated Federal funds. This is incomprehensible to me. The whole purpose of the School Lunch Program is to assure the children good, nutritious food. Yet here we have a situation where uninspected plants operating only in intrastate commerce can compete for the subsidized school lunch business with poultry not processed under minimum standards of sanitation or wholesomeness, and this poultry can then be commingled in the school cafeteria with the inspected poultry donated by the Department of Agriculture.

This fact alone calls for prompt action by the Congress to close the loopholes in the Poultry Act, as we did last year in the Meat Inspection Act. In the meantime, I think that this Committee should join me in insisting that the schools participating in the School Lunch Program buy only inspected meats or poultry pending the institution of an effective inspection system which would apply to all poultry.

St. Louis has been plagued repeatedly with bad poultry sent into our city from uninspected plants in Missouri. I am sure every city faces a similar problem. The danger of salmonella and other dread diseases getting into our food supply is real and serious. There is no excuse for this to happen in a country

which can produce such an abundance of pure and wholesome food. Why should our school children be fed food which cannot pass minimum standards of wholesomeness or the consumers be deceived into buying it, not knowing it is probably unsafe?

PUBLIC HEALTH AND SAFETY ARE MAIN CONCERN

The major firms in the poultry industry recognized, eleven years ago, that all sales of poultry were suffering from public lack of confidence in the wholesomeness of the products. After first having opposed compulsory Federal inspection, the industry then joined me in helping to pass the 1957 Act. They have never been sorry. But the processors who now comply with the Federal law are put at a great competitive disadvantage by plants operating only in intrastate commerce and thus generally free from any effective inspection or regulation, Federal or state.

Protecting legitimate industry from unfair competition is a proper function of the Congress, but there is a much more important interest involved here even than that of protecting the legitimate processor. That interest is the public health and safety.

I would be pleased and flattered if, because of my long identification with this issue and my sponsorship of the first poultry legislation introduced in the Congress, my bill, H.R. 15149, were approved by this Subcommittee and by the full Committee and reported to the House. But whichever bill is selected as the vehicle for House action, the important thing is that we pass the legislation as soon as possible. After the required waiting period of two years, we can then begin to have effective protection of consumers in every state from the dangers to our health and safety represented by more than a billion pounds of poultry being sold each year which you and I would never consent to eat if we knew that it had not been inspected by the Federal government or by state inspection programs at least comparable to the Federal inspection procedures. We are eating such poultry now without realizing it, particularly when we travel. And the children are eating it in the schools. How can we tolerate that?

Mr. PURCELL. Mr. Chairman, I have no further requests for time.

Mrs. MAY. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

H.R. 16363

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Wholesome Poultry Products Act".

SEC. 2. Section 2 of the Poultry Products Inspection Act (71 Stat. 441, as amended; 21 U.S.C. 451) is hereby amended to read:

"SEC. 2. Poultry and poultry products are an important source of the Nation's total supply of food. They are consumed throughout the Nation and the major portion thereof moves in interstate or foreign commerce. It is essential in the public interest that the health and welfare of consumers be protected by assuring that poultry products distributed to them are wholesome, not adulterated, and properly marked, labeled, and packaged. Unwholesome, adulterated, or misbranded poultry products impair the effective regulation of poultry products in interstate or foreign commerce, are injurious to the public welfare, destroy markets for wholesome, not adulterated, and properly labeled and packaged poultry products, and result in sundry losses to poultry producers and processors of poultry and poultry products, as well as injury to consumers. It is hereby found that all articles and poultry which are regulated under this Act are either

in interstate or foreign commerce or substantially affect such commerce, and that regulation by the Secretary of Agriculture and cooperation by the States and other jurisdictions as contemplated by this Act are appropriate to prevent and eliminate burdens upon such commerce, to effectively regulate such commerce, and to protect the health and welfare of consumers."

SEC. 3. Section 3 of said Act (21 U.S.C. 452) is hereby amended to read:

"SEC. 3. It is hereby declared to be the policy of the Congress to provide for the inspection of poultry and poultry products and otherwise regulate the processing and distribution of such articles as hereinafter prescribed to prevent the movement or sale in interstate or foreign commerce of, or the burdening of such commerce by poultry products which are adulterated or misbranded."

SEC. 4. Section 4 of said Act (21 U.S.C. 453) is hereby amended to read: "For purposes of this Act—

"(a) The term 'commerce' means commerce between any State, any territory, or the District of Columbia, and any place outside thereof or within any territory not organized with a legislative body, or the District of Columbia.

"(b) Except as otherwise provided in this Act, the term 'State' means any State of the United States and the Commonwealth of Puerto Rico.

"(c) The term 'territory' means Guam, the Virgin Islands of the United States, American Samoa, and any other territory or possession of the United States, excluding the Canal Zone.

"(d) The term 'United States' means the States, the District of Columbia, and the territories of the United States.

"(e) The term 'poultry' means any domesticated bird, whether live or dead.

"(f) The term 'poultry product' means any poultry carcass, or part thereof; or any product which is made wholly or in part from any poultry carcass or part thereof, excepting products which contain poultry ingredients only in a relatively small proportion or historically have not been considered by consumers as products of the poultry food industry, and which are exempted by the Secretary from definition as a poultry product under such conditions as the Secretary may prescribe to assure that the poultry ingredients in such products are not adulterated and that such products are not represented as poultry products.

"(g) The term 'adulterated' shall apply to any poultry product under one or more of the following circumstances:

"(1) if it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance, such article shall not be considered adulterated under this clause if the quantity of such substance in or on such article does not ordinarily render it injurious to health;

"(2) (A) if it bears or contains (by reason of administration of any substance to the live poultry or otherwise) any added poisonous or added deleterious substance (other than one which is (i) a pesticide chemical in or on a raw agricultural commodity; (ii) a food additive; or (iii) a color additive) which may, in the judgment of the Secretary, make such article unfit for human food;

"(B) if it is, in whole or in part, a raw agricultural commodity and such commodity bears or contains a pesticide chemical which is unsafe within the meaning of section 408 of the Federal Food, Drug, and Cosmetic Act;

"(C) if it bears or contains any food additive which is unsafe within the meaning of section 409 of the Federal Food, Drug, and Cosmetic Act;

"(D) if it bears or contains any color additive which is unsafe within the meaning of section 706 of the Federal Food, Drug, and

Cosmetic Act: *Provided*, That an article which is not otherwise deemed adulterated under clause (B), (C), or (D) shall nevertheless be deemed adulterated if use of the pesticide chemical, food additive, or color additive in or on such article is prohibited by regulations of the Secretary in official establishments;

"(3) if it consists in whole or in part of any filthy, putrid, or decomposed substance or is for any other reason unsound, unhealthful, unwholesome, or otherwise unfit for human food;

"(4) if it has been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health;

"(5) if it is, in whole or in part, the product of any poultry which has died otherwise than by slaughter;

"(6) if its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health;

"(7) if it has been intentionally subjected to radiation, unless the use of the radiation was in conformity with a regulation or exemption in effect pursuant to section 409 of the Federal Food, Drug, and Cosmetic Act; or

"(8) if any valuable constituent has been in whole or in part omitted or abstracted therefrom; or if any substance has been substituted, wholly or in part therefor; or if damage or inferiority has been concealed in any manner; or if any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is.

"(h) The term 'misbranded' shall apply to any poultry product under one or more of the following circumstances:

"(1) if its labeling is false or misleading in any particular;

"(2) if it is offered for sale under the name of another food;

"(3) if it is an imitation of another food, unless its label bears, in type of uniform size and prominence, the word 'imitation' and immediately thereafter, the name of the food imitated;

"(4) if its container is so made, formed, or filled as to be misleading;

"(5) unless it bears a label showing (A) the name and the place of business of the manufacturer, packer, or distributor; and (B) an accurate statement of the quantity of the product in terms of weight, measure, or numerical count: *Provided*, That under clause (B) of this subparagraph (5), reasonable variations may be permitted, and exemptions as to small packages or articles not in packages or other containers may be established by regulations prescribed by the Secretary;

"(6) if any word, statement, or other information required by or under authority of this Act to appear on the label or other labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;

"(7) if it purports to be or is represented as a food for which a definition and standard of identity or composition has been prescribed by regulations of the Secretary under section 8 of this Act unless (A) it conforms to such definition and standard, and (B) its label bears the name of the food specified in the definition and standard and, insofar as may be required by such regulations, the common names of optional ingredients (other than spices, flavoring, and coloring) present in such food;

"(8) if it purports to be or is represented as a food for which a standard or standards of

fill of container have been prescribed by regulations of the Secretary under section 8 of this Act, and it falls below the standard of fill of container applicable thereto, unless its label bears, in such manner and form as such regulations specify, a statement that it falls below such standard;

"(9) if it is not subject to the provisions of subparagraph (7), unless its label bears (A) the common or usual name of the food, if any there be, and (B) in case it is fabricated from two or more ingredients, the common or usual name of each such ingredient; except that spices, flavorings, and colorings may, when authorized by the Secretary, be designated as spices, flavorings, and colorings without naming each: *Provided*, That to the extent that compliance with the requirements of clause (B) of this subparagraph (9) is impracticable or results in deception or unfair competition, exemptions shall be established by regulations promulgated by the Secretary;

"(10) if it purports to be or is represented for special dietary uses unless its label bears such information concerning its vitamin, mineral, and other dietary properties as the Secretary, after consultation with the Secretary of Health, Education, and Welfare, determines to be, and by regulations prescribes as, necessary in order fully to inform purchasers as to its value for such uses;

"(11) if it bears or contains any artificial flavoring, artificial coloring, or chemical preservative, unless it bears labeling stating that fact: *Provided*, That, to the extent that compliance with the requirements of this subparagraph (11) is impracticable, exemptions shall be established by regulations promulgated by the Secretary; or

"(12) if it fails to bear on its containers, and in the case of nonconsumer packaged carcasses directly thereon, as the Secretary may by regulations prescribe, the official inspection legend and official establishment number of the establishment where the article was processed, and, unrestricted by any of the foregoing, such other information as the Secretary may require in such regulations to assure that it will not have false or misleading labeling and that the public will be informed of the manner of handling required to maintain the article in a wholesome condition.

"(i) The term 'Secretary' means the Secretary of Agriculture or his delegate.

"(j) The term 'person' means any individual, partnership, corporation, association, or other business unit.

"(k) The term 'inspector' means: (1) an employee or official of the United States Government authorized by the Secretary to inspect poultry and poultry products under the authority of this Act, or (2) any employee or official of the government of any State or territory or the District of Columbia authorized by the Secretary to inspect poultry and poultry products under authority of this Act, under an agreement entered into between the Secretary and the appropriate State or other agency.

"(l) The term 'official mark' means the official inspection legend or any other symbol prescribed by regulations of the Secretary to identify the status of any article or poultry under this Act.

"(m) The term 'official inspection legend' means any symbol prescribed by regulations of the Secretary showing that an article was inspected and passed in accordance with this Act.

"(n) The term 'official certificate' means any certificate prescribed by regulation of the Secretary for issuance by an inspector or other person performing official functions under this Act.

"(o) The term 'official device' means any device prescribed or authorized by the Secretary for use in applying any official mark.

"(p) The term 'official establishment' means any establishment as determined by

the Secretary at which inspection of the slaughter of poultry, or the processing of poultry products, is maintained under the authority of this Act.

"(q) The term 'inspection service' means the official Government service within the Department of Agriculture designated by the Secretary as having the responsibility for carrying out the provisions of this Act.

"(r) The term 'container' or 'package' includes any box, can, tin, cloth, plastic, or other receptable, wrapper, or cover.

"(s) The term 'label' means a display of written, printed, or graphic matter upon any article or the immediate container (not including package liners) of any article; and the term 'labeling' means all labels and other written, printed, or graphic matter (1) upon any article or any of its containers or wrappers, or (2) accompanying such article.

"(t) The term 'shipping container' means any container used or intended for use in packaging the product packed in an immediate container.

"(u) The term 'immediate container' includes any consumer package; or any other container in which poultry products, not consumer packaged, are packed.

"(v) The term 'capable of use as human food' shall apply to any carcass, or part or product of a carcass, of any poultry, unless it is denatured or otherwise identified as required by regulations prescribed by the Secretary to deter its use as human food, or it is naturally inedible by humans.

"(w) The term 'processed' means slaughtered, canned, salted, stuffed, rendered, boned, cut up, or otherwise manufactured or processed.

"(x) The term 'Federal Food, Drug, and Cosmetic Act' means the Act so entitled, approved June 25, 1938 (52 Stat. 1040), and Acts amendatory thereof or supplementary thereto.

"(y) The terms 'pesticide chemical', 'food additive', 'color additive', and 'raw agricultural commodity' shall have the same meanings for purposes of this Act as under the Federal Food, Drug, and Cosmetic Act.

"(z) The term 'poultry products broker' means any person engaged in the business of buying or selling poultry products on commission, or otherwise negotiating purchases or sales of such articles other than for his own account or as an employee of another person.

"(aa) The term 'renderer' means any person engaged in the business of rendering carcasses, or parts or products of the carcasses, of poultry, except rendering conducted under inspection or exemption under this Act.

"(bb) The term 'animal food manufacturer' means any person engaged in the business of manufacturing or processing animal food derived wholly or in part from carcasses, or parts or products of the carcasses, of poultry."

SEC. 5. Section 5 of said Act (21 U.S.C. 454) is hereby amended to read:

"SEC. 5. (a) It is the policy of the Congress to protect the consuming public from poultry products that are adulterated or misbranded and to assist in efforts by State and other Government agencies to accomplish this objective. In furtherance of this policy—

"(1) The Secretary is authorized whenever he determines that it would effectuate the purposes of this Act, to cooperate with the appropriate State agency in developing and administering a State poultry product inspection program in any State which has enacted a mandatory State poultry product inspection law that imposes ante-mortem and post-mortem inspection, reinspection and sanitation requirements that are at least equal to those under this Act, with respect to all or certain classes of persons engaged in the State in slaughtering poultry or processing poultry products for use as human food solely for distribution within such State.

"(2) The Secretary is further authorized, whenever he determines that it would effectuate the purposes of this Act, to cooperate with appropriate State agencies in developing and administering State programs under State laws containing authorities at least equal to those provided in section 11 of this Act; and to cooperate with other agencies of the United States in carrying out any provisions of this Act. In carrying out the provisions of this Act, the Secretary may conduct such examinations, investigations, and inspections as he determines practicable through any officer or employee of any State or Territory or the District of Columbia commissioned by the Secretary for such purpose.

"(3) Cooperation with State agencies under this section may include furnishing to the appropriate State agency (i) advisory assistance in planning and otherwise developing an adequate State program under the State law; and (ii) technical and laboratory assistance and training (including necessary curricular and instructional materials and equipment), and financial and other aid for administration of such a program. The amount to be contributed to any State by the Secretary under this section from Federal funds for any year shall not exceed 50 per centum of the estimated total cost of the cooperative program; and the Federal funds shall be allocated among the States desiring to cooperate on an equitable basis. Such cooperation and payment shall be contingent at all times upon the administration of the State program in a manner which the Secretary, in consultation with the appropriate advisory committee appointed under subparagraph (4), deems adequate to effectuate the purposes of this section.

"(4) The Secretary may appoint advisory committees consisting of such representatives of appropriate State agencies as the Secretary and the State agencies may designate to consult with him concerning State and Federal programs with respect to poultry product inspection and other matters within the scope of this Act, including evaluating State programs for purposes of this Act and obtaining better coordination and more uniformity among the State programs and between the Federal and State programs and adequate protection of consumers.

"(b) The appropriate State agency with which the Secretary may cooperate under this Act shall be a single agency in the State which is primarily responsible for the coordination of the State programs having objectives similar to those under this Act. When the State program includes performance of certain functions by a municipality or other subordinate governmental unit, such unit shall be deemed to be a part of the State agency for purposes of this section.

"(c) (1) If the Secretary has reason to believe, by thirty days prior to the expiration of two years after enactment of the Wholesome Poultry Products Act, that a State has failed to develop or is not enforcing, with respect to all establishments within its jurisdiction (except those that would be exempted from Federal inspection under subparagraph (2) of this paragraph (c)) at which poultry are slaughtered, or poultry products are processed for use as human food, solely for distribution within such State, and the products of such establishments, requirements at least equal to those imposed under sections 1-4, 6-10, and 12-22 of this Act, he shall promptly notify the Governor of the State of this fact. If the Secretary determines, after consultation with the Governor of the State, or representative selected by him, that such requirements have not been developed and activated, he shall promptly after the expiration of such two-year period designate such State as one in which the provisions of said sections of this Act shall apply to operations and transac-

tions wholly within such State: *Provided*, That if the Secretary has reason to believe that the State will activate such requirements within one additional year, he may delay such designation for said period, and not designate the State, if he determines at the end of the year that the State then has such requirements in effective operation. The Secretary shall publish any such designation in the Federal Register and, upon the expiration of thirty days after such publication, the provisions of said sections of this Act shall apply to operations and transactions and to persons engaged therein in the State to the same extent and in the same manner as if such operations and transactions were conducted in or for commerce. However, notwithstanding any other provision of this section, if the Secretary determines that any establishment within a State is producing adulterated poultry products for distribution within such State which would clearly endanger the public health he shall notify the Governor of the State and the appropriate advisory committee provided for by subparagraph (a) (4) of this section of such fact for effective action under State or local law. If the State does not take action to prevent such endangering of the public health within a reasonable time after such notice, as determined by the Secretary, in light of the risk to public health, the Secretary may forthwith designate any such establishment as subject to the provisions of said sections of this Act, and thereupon the establishment and operator thereof shall be subject to such provisions as though engaged in commerce until such time as the Secretary determines that such State has developed and will enforce requirements at least equal to those imposed under said sections.

"(2) The provisions of this Act requiring inspection of the slaughter of poultry and the processing of poultry products shall not apply to operations of types traditionally and usually conducted at retail stores and restaurants, when conducted at any retail store or restaurant or similar retail-type establishment for sale in normal retail quantities or service of such articles to consumers at such establishments if such establishments are subject to such inspection provisions only under this paragraph (c).

"(3) Whenever the Secretary determines that any State designated under this paragraph (c) has developed and will enforce State poultry products inspection requirements at least equal to those imposed under the aforesaid sections of this Act, with respect to the operations and transactions within such States which are regulated under subparagraph (1) of this paragraph (c), he shall terminate the designation of such State under this paragraph (c), but this shall not preclude the subsequent redesignation of the State at any time upon thirty days' notice to the Governor and publication in the Federal Register in accordance with this paragraph, and any State may be designated upon such notice and publication, at any time after the period specified in this paragraph whether or not the State has theretofore been designated, upon the Secretary determining that it is not effectively enforcing requirements at least equal to those imposed under said sections.

"(4) The Secretary shall promptly upon enactment of the Wholesome Poultry Products Act, and periodically thereafter, but at least annually, review the requirements, including the enforcement thereof, of the several States not designated under this paragraph (c), with respect to the slaughter, and the processing, storage, handling, and distribution of poultry products, and inspection of such operations, and annually report thereon to the Committee on Agriculture of the House of Representatives and the Com-

mittee on Agriculture and Forestry of the Senate in the report required in section 27 of the Wholesome Poultry Products Act.

"(d) As used in this section, the term 'State' means any State (including the Commonwealth of Puerto Rico) or organized territory."

SEC. 6. Section 6 of said Act (21 U.S.C. 455) is hereby amended as follows:

(a) Paragraph (a) is amended to read:

"(a) For the purpose of preventing the entry into or flow or movement in commerce of, or the burdening of commerce by, any poultry product which is capable of use as human food and is adulterated, the Secretary shall, where and to the extent considered by him necessary, cause to be made by inspectors ante mortem inspection of poultry in each official establishment processing poultry or poultry products for commerce or otherwise subject to inspection under this Act."

(b) Paragraph (b) is amended by deleting the phrase "in, or for marketing in a designated city or area" and substituting the phrase "otherwise subject to inspection under this Act"; by inserting the word "and" before the word "reinspection"; and by inserting the phrase "capable of use as human food" after the phrase "poultry products" the first time the latter phrase appears in the paragraph.

(c) Paragraph (c) is amended by deleting the phrase "unwholesome or" and the phrase "not unwholesome and" each time they appear therein; and by inserting the word "other" before the phrase "poultry products".

SEC. 7. In section 7 of said Act (21 U.S.C. 456) paragraph (a) is hereby amended by deleting the phrase "in or for marketing in a designated major consuming area" and substituting the phrase "otherwise subject to inspection under this Act"; by deleting the phrase "in a designated major consuming area" and substituting the phrase "burdensome effect upon commerce"; and by deleting the phrase "unwholesome or".

SEC. 8. Section 8 of said Act (21 U.S.C. 457) is hereby amended to read:

"SEC. 8. (a) All poultry products inspected at any official establishment under the authority of this Act and found to be not adulterated, shall at the time they leave the establishment bear, in distinctly legible form, on their shipping containers and immediate containers, and in the case of non-consumer packaged carcasses directly thereon, as the Secretary may require, the information required under paragraph (h) of section 4 of this Act.

"(b) The Secretary, whenever, he determines such action is necessary for the protection of the public, may prescribe: (1) the styles and sizes of type to be used with respect to material required to be incorporated in labeling to avoid false or misleading labeling in marketing and labeling any articles or poultry subject to this Act; (2) definitions and standards of identity or composition or articles subject to this Act and standards of fill of container for such articles not inconsistent with any such standards established under the Federal Food, Drug, and Cosmetic Act, and there shall be consultation between the Secretary and the Secretary of Health, Education, and Welfare prior to the issuance of such standards under either Act relating to articles subject to this Act to avoid inconsistency in such standards and possible impairment of the coordinated effective administration of these Acts. There shall also be consultation between the Secretary and an appropriate advisory committee provided for in section 5 of this Act, prior to the issuance of such standards under this Act, to avoid, insofar as feasible, inconsistency between Federal and State standards.

"(c) No article subject to this Act shall be sold or offered for sale by any person in commerce, under any name or other marking or labeling which is false or misleading, or in any container of a misleading form or size,

but established trade names and other marking and labeling and containers which are not false or misleading and which are approved by the Secretary are permitted.

"(d) If the Secretary has reason to believe that any marking or labeling or the size or form of any container in use or proposed for use with respect to any article subject to this Act is false or misleading in any particular, he may direct that such use be withheld unless the marking, labeling, or container is modified in such manner as he may prescribe so that it will not be false or misleading. If the person using or proposing to use the marking, labeling, or container does not accept the determination of the Secretary, such person may request a hearing, but the use of the marking, labeling, or container shall, if the Secretary so directs, be withheld pending hearing and final determination by the Secretary. Any such determination by the Secretary shall be conclusive unless, within thirty days after receipt of notice of such final determination, the person adversely affected thereby appeals to the United States Court of Appeals for the circuit in which such person has its principal place of business or to the United States Court of Appeals for the District of Columbia Circuit. The provisions of section 204 of the Packers and Stockyards Act, 1921 (42 Stat. 162, as amended; 7 U.S.C. 194), shall be applicable to appeals taken under this section."

SEC. 9. Section 9 of said Act (21 U.S.C. 458) is amended to read:

"SEC. 9. (a) No person shall knowingly—

"(1) slaughter any poultry or process any poultry products which are capable of use as human food at any establishment processing any such articles for commerce, except in compliance with the requirements of this Act;

"(2) sell, transport, offer for sale or transportation, or receive for transportation, in commerce (A) any poultry products which the capable of use as human food and are adulterated or misbranded at the time of such sale, transportation, offer for sale or transportation, or receipt for transportation; or (B) any poultry products required to be inspected under this Act unless they have been so inspected and passed;

"(3) do, with respect to any poultry products which are capable of use as human food, any act while they are being transported in commerce or held for sale after such transportation, which is intended to cause or has the effect of causing such products to be adulterated or misbranded;

"(4) sell, transport, offer for sale or transportation, or receive for transportation, in commerce or from an official establishment, any slaughtered poultry from which the blood, feathers, feet, head, or viscera have not been removed in accordance with regulations promulgated by the Secretary, except as may be authorized by regulations of the Secretary;

"(5) use to the own advantage, or reveal other than to the authorized representatives of the United States Government or any State or other government in their official capacity, or as ordered by a court in any judicial proceedings, any information acquired under the authority of this Act concerning any matter which is entitled to protection as a trade secret.

"(b) No brand manufacturer, printer, or other person shall cast, print, lithograph, or otherwise make any device containing any official mark or simulation thereof, or any label bearing any such mark or simulation, or any form of official certificate or simulation thereof, except as authorized by the Secretary.

"(c) No person shall—

"(1) forge any official device, mark, or certificate;

"(2) without authorization from the Secretary use any official device, mark, or certificate, or simulation thereof, or alter, detach,

deface, or destroy any official device, mark, or certificate;

"(3) contrary to the regulations prescribed by the Secretary, fail to use, or to detach, deface, or destroy any official device, mark, or certificate;

"(4) knowingly possess, without promptly notifying the Secretary or his representative, any official device or any counterfeit, simulated, forged, or improperly altered official certificate or any device or label or any carcass of any poultry, or part or product thereof, bearing any counterfeit, simulated, forged, or improperly altered official mark;

"(5) knowingly make any false statement in any shippers certificate or other nonofficial or official certificate provided for in the regulations prescribed by the Secretary; or

"(6) knowingly represents that any article has been inspected and passed, or exempted, under this Act when, in fact, it has, respectively, not been so inspected and passed, or exempted."

SEC. 10. Section 10 of said Act (21 U.S.C. 459) is hereby amended by deleting the phrase "in or for marketing in a designated major consuming area" and substituting the phrase "otherwise subject to this Act".

SEC. 11. Section 11 of said Act (21 U.S.C. 460) is hereby amended to read:

"(a) Inspection shall not be provided under this Act at any establishment for the slaughter of poultry or the processing of any carcasses or parts or products of poultry, which are not intended for use as human food, but such articles shall, prior to their offer for sale or transportation in commerce, unless naturally inedible by humans, be denatured or otherwise identified as prescribed by regulations of the Secretary to deter their use for human food. No person shall buy, sell, transport, or offer for sale or transportation, or receive for transportation, in commerce, or import, any poultry carcasses or parts or products thereof which are not intended for use as human food unless they are denatured or otherwise identified as required by the regulations of the Secretary or are naturally inedible by humans.

"(b) The following classes of persons shall, for such period of time as the Secretary may by regulations prescribe, not to exceed two years unless otherwise directed by the Secretary for good cause shown, keep such records as are properly necessary for the effective enforcement of this Act in order to insure against adulterated or misbranded poultry products for the American consumer; and all persons subject to such requirements shall, at all reasonable times, upon notice by a duly authorized representative of the Secretary, afford such representative access to their places of business and opportunity to examine the facilities, inventory, and records thereof, to copy all such records, and to take reasonable samples of their inventory upon payment of the fair market value therefor—

"(1) Any person that engages in the business of slaughtering any poultry or processing, freezing, packaging, or labeling any carcasses, or parts or products of carcasses, of any poultry, for commerce, for use as human food or animal food;

"(2) Any person that engages in the business of buying or selling (as poultry products brokers, wholesalers or otherwise), or transporting, in commerce, or storing in or for commerce, or importing, any carcasses, or parts or products of carcasses, of any poultry;

"(3) Any person that engages in business, in or for commerce, as a renderer, or engages in the business of buying, selling, or transporting, in commerce, or importing, any dead, dying, disabled, or diseased poultry or parts of the carcasses of any poultry that died otherwise than by slaughter.

"(c) No person shall engage in business, in or for commerce, as a poultry products broker, renderer, or animal food manufacturer, or engage in business in commerce as

a wholesaler of any carcasses, or parts or products of the carcasses, of any poultry, whether intended for human food or other purposes, or engage in business as a public warehouseman storing any such articles in or for commerce, or engage in the business of buying, selling, or transporting in commerce, or importing, any dead, dying, disabled or diseased poultry or parts of the carcasses of any poultry that died otherwise than by slaughter, unless when required by regulations of the Secretary, he has registered with the Secretary his name, and the address of each place of business at which, and all trade names under which, he conducts such business.

"(d) No person engaged in the business of buying, selling, or transporting in commerce, or importing, dead, dying, disabled, or diseased poultry or any parts of the carcasses of any poultry that died otherwise than by slaughter, shall buy, sell, transport, offer for sale or transportation, or receive for transportation, in commerce, or import, any dead, dying, disabled, or diseased poultry or parts of the carcasses of any poultry that died otherwise than by slaughter, unless such transaction, transportation or importation is made in accordance with such regulations as the Secretary may prescribe to assure that such poultry, or the unwholesome parts or products thereof, will be prevented from being used for human food.

"(e) The authority conferred on the Secretary by paragraph (b), (c), or (d) of this section with respect to persons engaged in the specified kinds of business in or for commerce may be exercised with respect to persons engaged, in any State or organized territory, in such kinds of business but not in or for commerce, whenever the Secretary determines, after consultation with an appropriate advisory committee provided for in section 5 of this Act, that the State or territory does not have at least equal authority under its laws or such authority is not exercised in a manner to effectuate the purposes of this Act, including the State or territory providing for the Secretary or his representative being afforded access to such places of business and the facilities, inventories, and records thereof, and the taking of reasonable samples, where he determines necessary in carrying out his responsibilities under this Act; and in such case the provisions of paragraph (b), (c), or (d) of this section, respectively, shall apply to such persons to the same extent and in the same manner as if they were engaged in such business in or for commerce and the transactions involved were in commerce."

SEC. 12. Section 12 of said Act (21 U.S.C. 461) is hereby amended as follows:

(a) Paragraph (a) is amended by changing the first sentence to read:

"Any person who violates the provisions of section 9, 10, 11, 14, or 17 of this Act shall be fined not more than \$1,000 or imprisoned not more than one year, or both; but if such violation involves intent to defraud, or any distribution or attempted distribution of an article that is adulterated (except as defined in section 4(g)(8) of this Act), such person shall be fined not more than \$10,000 or imprisoned not more than three years, or both."

(b) Paragraph (b) is amended by deleting the phrase "not otherwise eligible" and substituting the phrase "otherwise not eligible"; by deleting the word "slaughtered" each time it appears; and by adding the following before the period at the end of the paragraph: "or unless the carrier refuses to furnish on request of a representative of the Secretary the name and address of the person from whom he received such poultry or poultry products, and copies of all documents, if any there be, pertaining to the delivery of the poultry or poultry products to such carrier."

(c) A new paragraph (c) is added to read: "(c) Any person who forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person while engaged in or on account of the performance of his official duties under this Act shall be fined not more than \$5,000 or imprisoned not more than three years, or both. Whoever, in the commission of any such acts, uses a deadly or dangerous weapon, shall be fined not more than \$10,000 or imprisoned not more than ten years, or both. Whoever kills any person while engaged in or on account of the performance of his official duties under this Act shall be punished as provided under sections 1111 and 1114 of title 18, United States Code."

SEC. 13. Section 14 of said Act (21 U.S.C. 463) is hereby amended by designating the present provisions thereof as paragraph (b); by inserting the word "other" before the word "rules" in said paragraph; and by adding a new paragraph (a) to read:

"(a) The Secretary may by regulations prescribe conditions under which poultry products capable of use as human food, shall be stored or otherwise handled by any person engaged in the business of buying, selling, freezing, storing, or transporting, in or for commerce, or importing, such articles, whenever the Secretary deems such action necessary to assure that such articles will not be adulterated or misbranded when delivered to the consumer. Violation of any such regulation is prohibited. However, such regulations shall not apply to the storage or handling of such articles at any retail store or other establishment in any State or organized Territory that would be subject to this section only because of purchases in commerce, if the storage and handling of such articles at such establishment is regulated under the laws of the State or Territory in which such establishment is located, in a manner which the Secretary, after consultation with the appropriate advisory committee provided for in section 5 of this Act, determines is adequate to effectuate the purposes of this section."

SEC. 14. Section 15 of said Act (21 U.S.C. 464) is hereby amended as follows:

(a) In paragraph (a), subparagraph (1) is deleted and subparagraphs (2), (3), and (4) are redesignated, respectively, as subparagraphs (1), (2), and (3);

(b) In paragraph (a), in redesignated subparagraph (2) (formerly (3)), the date "July 1, 1960" is deleted and the date "January 1, 1970" is substituted therefor;

(c) Paragraph (b) is redesignated as paragraph (e) and new paragraphs (b), (c), and (d) are added to read:

"(b) The Secretary may, under such sanitary conditions as he may by regulations prescribe, exempt from the inspection requirements of this Act the slaughter of poultry, and the processing of poultry products, by any person in any Territory not organized with a legislative body, solely for distribution within such Territory, when the Secretary determines that it is impracticable to provide such inspection within the limits of funds appropriated for administration of this Act and that such exemption will aid in the effective administration of this Act.

"(c) The provisions of this Act shall not apply to (i) poultry producers with respect to poultry of their own raising on their own farms: *Provided*, That the wholesale dressed value of such poultry which they slaughter on said farms does not exceed \$15,000 during the current calendar year: *Provided further*, That such poultry producers do not engage in buying or selling poultry products other than those produced from poultry raised on their own farms: *Provided further*, That none of such poultry moves in commerce (as defined in section 4(a) of this act); nor (ii) to any person who slaughters, processes, or sells poultry the wholesale dressed value

of which does not exceed \$15,000 during the current calendar year: *Provided*, That none of such poultry moves in commerce (as defined in section 4(a) of this act); nor (iii) to the slaughtering by any person of poultry of his own raising, and the processing by him and transportation in commerce of the poultry products exclusively for use by him and members of his household and his non-paying guests and employees; nor (iv) to the custom slaughter by any person of poultry delivered by the owner thereof for such slaughter, and the processing by such slaughterer and transportation in commerce of the poultry products exclusively for use, in the household of such owner, by him and members of his household and his nonpaying guests and employees: *Provided*, That such custom slaughterer does not engage in the business of buying or selling any poultry products capable of use as human food.

"(d) The adulteration and misbranding provisions of this Act, other than the requirement of the inspection legend, shall apply to articles which are exempted from inspection or not required to be inspected under this section, except as otherwise specified under paragraph (a).

SEC. 15. Section 16 of said Act (21 U.S.C. 465) is hereby amended to read:

"SEC. 16. The Secretary may limit the entry of poultry products and other materials into any official establishment, under such conditions as he may prescribe to assure that allowing the entry of such articles into such inspected establishments will be consistent with the purposes of this Act."

SEC. 16. Section 18 of said Act (21 U.S.C. 467) is hereby amended to read:

"SEC. 18. (a) The Secretary may (for such period, or indefinitely, as he deems necessary to effectuate the purposes of this Act) refuse to provide, or withdraw, inspection service under this Act with respect to any establishment if he determines, after opportunity for a hearing is accorded to the applicant for, or recipient of, such service, that such applicant or recipient is unfit to engage in any business requiring inspection under this Act because the applicant or recipient of anyone responsibly connected with the applicant or recipient, has been convicted, in any Federal or State court, within the previous ten years of (1) any felony or more than one misdemeanor under any law based upon the acquiring, handling, or distributing of adulterated, mislabeled, or deceptively packaged food or fraud in connection with transactions in food; or (2) any felony, involving fraud, bribery, extortion, or any other act or circumstance indicating a lack of the integrity needed for the conduct of operations affecting the public health. For the purpose of this paragraph a person shall be deemed to be responsibly connected with the business if he was a partner, officer, director, holder, or owner of 10 per centum or more of its voting stock or employee in a managerial or executive capacity.

"(b) Upon the withdrawal of inspection service from any official establishment for failure to destroy condemned poultry products as required under section 6 of this Act, or other failure of an official establishment to comply with the requirements as to premises, facilities, or equipment, or the operation thereof, as provided in section 7 of this Act, or the refusal of inspection service to any applicant therefor because of failure to comply with any requirements under section 7, the applicant for, or recipient of, the service shall, upon request, be afforded opportunity for a hearing with respect to the merits or validity of such action; but such withdrawal or refusal shall continue in effect unless otherwise ordered by the Secretary.

"(c) The determination and order of the Secretary when made after opportunity for hearing, with respect to withdrawal or refusal of inspection service under this Act

shall be final and conclusive unless the affected applicant for, or recipient of, inspection service files application for judicial review within thirty days after the effective date of such order in the United States Court of Appeals as provided in section 8 of this Act. Judicial review of any such order shall be upon the record upon which the determination and order are based. The provisions of section 204 of the Packers and Stockyards Act of 1921, as amended, shall be applicable to appeals taken under this section."

SEC. 17. Sections 19 through 22 of said Act (21 U.S.C. 468, 469, 451 note) are hereby redesignated as sections 25, 26, 28, and 29, respectively, and new sections 19, 20, 21, 22, 23, 24, and 27 are added to the Act to read, respectively:

"SEC. 19. Whenever any poultry product, or any product exempted from the definition of a poultry product, or any dead, dying, disabled, or diseased poultry is found by any authorized representative of the Secretary upon any premises where it is held for purposes of, or during or after distribution in, commerce or otherwise subject to this Act, and there is reason to believe that any such article is adulterated or misbranded and is capable of use as human food, or that it has not been inspected, in violation of the provisions of this Act or of any other Federal law or the laws of any State or Territory, or the District of Columbia, or that it has been or is intended to be, distributed in violation of any such provisions, it may be detained by such representative for a period not to exceed twenty days, pending action under section 20 of this Act or notification of any Federal, State, or other governmental authorities having jurisdiction over such article or poultry, and shall not be moved by any person, from the place at which it is located when so detained, until released by such representative. All official marks may be required by such representative to be removed from such article or poultry before it is released unless it appears to the satisfaction of the Secretary that the article or poultry is eligible to retain such marks.

"SEC. 20. (a) Any poultry product, or any dead, dying, disabled, or diseased poultry, that is being transported in commerce or otherwise subject to this Act, or is held for sale in the United States after such transportation, and that (1) is or has been processed, sold, transported, or otherwise distributed or offered or received for distribution in violation of this Act, or (2) is capable of use as human food and is adulterated or misbranded, or (3) in any other way is in violation of this Act, shall be liable to be proceeded against and seized and condemned, at any time, on a libel of information in any United States district court or other proper court as provided in section 21 of this Act within the jurisdiction of which the article or poultry is found. If the article or poultry is condemned it shall, after entry of the decree, be disposed of by destruction or sale as the court may direct and the proceeds, if sold, less the court costs and fees, and storage and other proper expenses, shall be paid into the Treasury of the United States, but the article or poultry shall not be sold contrary to the provisions of this Act, or the laws of the jurisdiction in which it is sold: *Provided*, That upon the execution and delivery of a good and sufficient bond conditioned that the article or poultry shall not be sold or otherwise disposed of contrary to the provisions of this Act, or the laws of the jurisdiction in which disposal is made, the court may direct that such article or poultry be delivered to the owner thereof subject to such supervision by authorized representatives of the Secretary as is necessary to insure compliance with the applicable laws. When a decree of condemnation is entered against the article or poultry and it is released under bond, or destroyed, court costs and fees, and

storage and other proper expenses shall be awarded against the person, if any, intervening as claimant of the article or poultry. The proceedings in such libel cases shall conform, as nearly as may be, to the proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in any case, and all such proceedings shall be at the suit of and in the name of the United States.

"(b) The provisions of this section shall in no way derogate from authority for condemnation or seizure conferred by other provisions of this Act, or other laws.

"SEC. 21. The United States district courts, the District Court of Guam, the District Court of the Virgin Islands, the highest court of American Samoa, and the United States courts of the other territories, are vested with jurisdiction specifically to enforce, and to prevent and restrain violations of, this Act, and shall have jurisdiction in all other kinds of cases arising under this Act, except as provided in section 8(d) or 18 of this Act. All proceedings for the enforcement or to restrain violations of this Act shall be by and in the name of the United States. Subpenas for witnesses who are required to attend a court of the United States, in any district, may run into any other district in any such proceeding.

"SEC. 22. For the efficient administration and enforcement of this Act, the provisions (including penalties) of sections 6, 8, 9, and 10 of the Federal Trade Commission Act, as amended (38 Stat. 721-723, as amended; 15 U.S.C. 46, 48, 49, and 50) (except paragraphs (c) through (h) of section 6 and the last paragraph of section 9), and the provisions of subsection 409(1) of the Communications Act of 1934 (48 Stat. 1096, as amended; 47 U.S.C. 409(1)), are made applicable to the jurisdiction, powers, and duties of the Secretary in administering and enforcing the provisions of this Act and to any person with respect to whom such authority is exercised. The Secretary, in person or by such agents as he may designate, may prosecute any inquiry necessary to his duties under this Act in any part of the United States, and the powers conferred by said sections 9 and 10 of the Federal Trade Commission Act as amended on the district courts of the United States may be exercised for the purposes of this Act by any court designated in section 21 of this Act.

"SEC. 23. Requirements within the scope of this Act with respect to premises, facilities and operations of any official establishment, which are in addition to, or different than those made under this Act may not be imposed by any State or Territory or the District of Columbia, except that any such jurisdiction may impose record keeping and other requirements within the scope of paragraph (b) of section 11 of this Act, if consistent therewith, with respect to any such establishment. Marking, labeling, packaging, or ingredient requirements in addition to, or different than, those made under this Act may not be imposed by any State or Territory or the District of Columbia with respect to articles prepared at any official establishment in accordance with the requirements under this Act, but any State or Territory or the District of Columbia may, consistent with the requirements under this Act, exercise concurrent jurisdiction with the Secretary over articles required to be inspected under this Act, for the purpose of preventing the distribution for human food purposes of any such articles which are adulterated or misbranded and are outside of such an establishment, or, in the case of imported articles which are not at such an establishment, after their entry into the United States. This Act shall not preclude any State or Territory or the District of Columbia from making requirement or taking other action, consistent with this Act, with respect to any other matters regulated under this Act.

"SEC. 24. (a) Poultry and poultry products shall be exempt from the provisions of the Federal Food, Drug, and Cosmetic Act to the extent of the application or extension thereof of the provisions of this Act, except that the provisions of this Act shall not derogate from any authority conferred by the Federal Food, Drug, and Cosmetic Act prior to enactment of the Wholesome Poultry Products Act.

"(b) The detainer authority conferred by section 19 of this Act shall apply to any authorized representative of the Secretary of Health, Education, and Welfare for purposes of the enforcement of the Federal Food, Drug, and Cosmetic Act with respect to any poultry carcass, or part or product thereof, that is outside any official establishment, and for such purposes the first reference to the Secretary in section 19 shall be deemed to refer to the Secretary of Health, Education, and Welfare.

"SEC. 27. The Secretary shall annually report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture and Forestry of the Senate with respect to the slaughter of poultry subject to this Act, and the preparation, storage, handling, and distribution of poultry parts, poultry products, and inspection of establishments operated in connection therewith, including the operations under and the effectiveness of this Act."

SEC. 18. The heading "Designation" preceding section 5 of said Act is hereby amended to read "Federal and State cooperation"; the heading "Labeling" preceding section 8 of said Act is hereby amended to read "Labeling and containers; standards"; the heading "Records of interstate shipment" preceding section 11 of said Act is hereby amended to read "Articles not intended for human food; record and related requirements for processors of poultry products and related industries engaged in commerce; registration requirements for related industries engaged in commerce; regulation of transactions in commerce in dead, dying, disabled, or diseased poultry and carcasses thereof; authority to regulate comparable intrastate activities"; and the heading "Violations by exempted persons" preceding section 16 of said Act is hereby amended to read "Entry of materials into official establishments."

SEC. 19. If any provisions of this Act or of the amendments made hereby or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and the remaining amendments and of the application of such provision to other persons and circumstances shall not be affected thereby.

SEC. 20. This Act shall become effective upon enactment except as provided in paragraphs (a) through (c):

(a) The provisions of subparagraphs (a) (2) (A) and (a) (3) of section 9 of the Poultry Products Inspection Act and the provisions of section 17 of said Act, as amended by sections 9 and 16 of this Act, shall become effective upon the expiration of sixty days after enactment hereof.

(b) Section 14 of this Act, amending section 15 of the Poultry Products Inspection Act, shall become effective upon the expiration of sixty days after enactment hereof.

(c) Paragraph 11(d) of the Poultry Products Inspection Act, as added by section 11 of this Act, shall become effective upon the expiration of sixty days after enactment hereof.

Mr. PURCELL (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

On page 33, line 3, after "(c)" insert "(1)".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

On page 33, line 12, after the words "of this Act)" insert the following: ": Provided further, That such producers do not engage in selling dressed poultry or poultry products which are not sound, healthful, clean, and otherwise fit for human food."

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

On page 33, line 19, after the words "of this Act)" insert the following: ": Provided further, That such persons do not engage in selling dressed poultry or poultry products which are not sound, healthful, clean, and otherwise fit for human food."

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

On page 34, after line 10, insert the following:

"(2) In addition to the specific exemptions provided herein the Secretary shall, when he determines that the protection of consumers from adulterated or misbranded poultry products will not be impaired by such action, provide by regulation for further exempting the operation and products of small enterprises (including poultry producers) engaged in slaughtering and/or cutting up poultry for distribution as carcasses or parts thereof, which are subject to the provisions of this Act only under Section 5(c) from such provisions of this Act as he deems appropriate, while still protecting the public from adulterated or misbranded products, under such conditions, including sanitary requirements, as he shall prescribe to effectuate the purposes of this Act: *Provided*, That any such further exemption may be revoked by the Secretary with respect to any establishment if he determines that the operations of an establishment under the exemption have resulted or will result in the distribution of adulterated or misbranded poultry products or that the operator of the establishment has failed to comply with the conditions of exemption."

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the last committee amendment.

The Clerk read as follows:

On page 35, line 9, strike "paragraph (a)." and insert in lieu thereof "paragraphs (a) and (c)."

The committee amendment was agreed to.

AMENDMENT OFFERED BY MR. CHAMBERLAIN

Mr. CHAMBERLAIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CHAMBERLAIN: On page 33, line 7, strike "\$15,000" and insert in lieu thereof "\$100,000"; and page 33, line 14 strike "\$15,000" and insert in lieu thereof "\$100,000".

(Mr. CHAMBERLAIN asked and was given permission to revise and extend his remarks.)

Mr. CHAMBERLAIN. Mr. Chairman, I am in basic agreement with the purposes of H.R. 16363, which is to make certain the consumer obtains good and wholesome poultry products. I offer this amendment because I share the committee's concern about the potential impact of this legislation on the small producer and processor of wholesome poultry. My amendment would simply modify one of the nine exemptions allowed under this legislation. Specifically, it would raise from \$15,000 to \$100,000 the annual dollar volume criterion in the small producer-processor amendment in section 14 of the bill. I do this for exactly the same reasons that prompted the committee to add this \$15,000 exemption to the administration proposal. I quote from page 14 of the committee's report:

The committee does not wish to put out of business or to impose Federal regulations on small poultry farmers and processors who are marketing wholesome poultry products.

In seeking to make this bill more practicable and equitable the committee also provided the Secretary of Agriculture with additional discretionary authority to grant individual exemptions to small producers and processors whose annual poultry sales exceed \$15,000. In so doing the committee recognized the need for even greater flexibility. I am, however, not optimistic that the Secretary of Agriculture would exercise this authority, for it would clearly be a power to spare some small producers and processors while at the same time perhaps destroying others. I therefore offer this amendment to avoid as far as possible such a situation.

I would point out that my amendment would not exclude any poultry producer or processor from adequate inspection. Nor would it weaken consumer protection. I would point out that the exemption provision to which my amendment applies is already predicated on first, the sale of wholesome poultry products; second, activity within a State; third, a fixed dollar volume for the value of poultry and poultry products processed during the current calendar year and, in the case of poultry producers the poultry actually raised on the producer's farm. In other words, the present exemption language of the bill is already narrowed to those instances when these three—or four in the case of poultry producers—criteria are met. My amendment simply changes the dollar volume criterion by increasing it to a more reasonable level.

I would also point out, Mr. Chairman, that nothing in this exemption as written into this bill nor my amendment would preclude the several States from inspecting poultry produced or processed by farmers or processors handling less than \$100,000 worth of poultry or poultry products each year. I am aware that the argument might be made that most of the States have not acted in this area of poultry inspection. However, H.R. 16363 provides Federal financial assistance—up to 50 percent of the cost of the State

program—to those States which choose to implement new and effective poultry inspection programs. Therefore the opportunity remains for greater State participation in this area and continued consumer protection. In essence then, Mr. Chairman, my amendment does not create any loopholes in the committee bill and leaves intact the consumer protection features of this legislation.

Furthermore, I believe it is in the interest of the consumer that such an exemption be adopted. During the course of the hearings the committee received testimony to the effect that small poultry producer-processors were deeply concerned because their operations were such as not to conform with Federal inspection laws concerning the size and design of their buildings.

The point is, as I understand it, these small businessmen do not in any way doubt that they are or can meet Federal health quality standards, but if in order to stay in business under Federal law they are compelled to construct expensive new facilities, this would assuredly drive them out of business. Many of these small operators have been in business for many years and have earned a devoted and discerning clientele, particularly among those who prefer to purchase fresh killed poultry. They are performing a valuable service to the consumer which I am told the big poultry processors cannot do as well or as economically. The loss of these businesses would hardly be in the interest of the consumer.

Mr. Chairman, everyone is, of course, for consumer protection. Many powerful groups have come out in favor of this bill without any exemptions. Some of these have their own reasons for doing this, reasons which have very little to do with consumer protection. Furthermore, I think all of us are aware now of some of the mischief that was unintentionally done in regard to the meat inspection program under the banner of consumer protection. I for one do not want to see a repeat of this kind of situation in regard to poultry and feel that a reasonable exemption for clean and wholesome producer-processors is very much in order. The committee hearings contain a number of pleas for action to permit the survival of these small producer-processors of wholesome poultry. The committee has taken a courageous step in that direction. I would simply contend that my amendment is a more realistic and workable approach than that of burdening the Secretary of Agriculture with a very difficult and potentially highly controversial authority.

Mr. Chairman, it should not be a Federal crime to be a small businessman.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

(Mr. CHAMBERLAIN (at the request of Mr. FOLEY) was allowed to proceed for 1 additional minute.)

Mr. FOLEY. Mr. Chairman, would the gentleman yield?

Mr. CHAMBERLAIN. I will be glad to yield to the gentleman.

Mr. FOLEY. I would like to ask the gentleman, for the information of the committee, to what he had reference

when he said that mischief was done by the meat inspection bill.

Mr. CHAMBERLAIN. Well, I have had several indications that the Meat Inspection Act worked undue hardship on many small meat producers, particularly in the State of Michigan. I cannot say what it may have done in the gentleman's area or perhaps in other areas of the country, but I do know that there have been people who have come all the way from Michigan to Washington to complain about the hardships that this imposed on many people. I had one man come here to tell me that he had four inspectors descend on him in his yard at one time and that he was going out of business and had scheduled an auction sale of his assets because he could not afford to build new buildings that they insisted upon. Still he was apparently meeting the State standards at the time.

Mr. PURCELL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this matter of the size of exemptions in any kind of legislation relating to inspection is, in my judgment, one of the most difficult areas to work in. The subcommittee spent many hours—and I do not remember how many—discussing almost every conceivable kind of exemption you can imagine. There is nothing sacred at all, of course, about the specific size of the wholesale dressed value of \$15,000 as being exactly the right size, but I do believe that it is merely an equitable way of allowing a truly small poultry farmer not to have to meet all of the regulations and requirements that regular commercial farmers would be meeting. Of course, I hope the committee and this House will reject this amendment.

Maybe, to explain what the exemption entails, we should discuss this amount of \$15,000 to be sure everyone realizes what this actually exempts. The term \$15,000 of exemption applies to the wholesale value of birds that are processed. It may be some Members have drawn the conclusion from the discussion that we had gone on so far that all poultry growers are affected by this law. A man and wife on a farm, an individual, or even a corporation growing poultry but which does not process or slaughter the poultry for human consumption is not in any way affected by this law. This applies only to the operation of dressing poultry. Therefore, there should not be any concern for the farmer who is a poultry grower or dealers in live poultry who sell their poultry to a processing plant or someone else who processes it. If this exemption is increased from \$15,000 a year up to \$100,000, then we go from the area of the small processor handling 25,000 to 30,000 chickens a year, which are exempt by the \$15,000 standard, or will be when this bill is passed, up to between 150,000- and 200,000-bird flocks being exempt from the regulations that this bill proposes.

Now, Mr. Chairman, I realize it depends upon who is doing the talking and who is being affected. But 150,000 or 200,000 birds being exempt from some kind

of inspection in our opinion is more than should be exempt for the health and welfare of the country and to provide the wholesome product that we all say we want. Yet there is no limit upon how many people may be raising from 150,000 to 200,000 birds in a flock. It is my opinion that we can say we exempt by the bill in its present form a sufficiently large amount of poultry. With the \$15,000 exemption we will be assured that the bulk of the poultry sold will be suitable for trade and consumption by Americans from one coast to the other.

I am sorry that everyone in this body could not have heard the testimony that we had in the committee as to why an exemption should be small, middle sized, or large. We felt that almost everyone would be satisfied with the \$15,000 wholesale value exemption and felt that it was fair and near the right size and the figure upon which we had the most agreement. We felt that it is as large as it ought to go, and I would hope that this House will defeat this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. CHAMBERLAIN].

The amendment was rejected.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. ALBERT) having resumed the chair, Mr. NATCHER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 16363), to clarify and otherwise amend the Poultry Products Inspection Act, to provide for cooperation with appropriate State agencies with respect to State poultry products inspection programs, and for other purposes, pursuant to House Resolution 1172, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. KYL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 351, nays 17, not voting 65, as follows:

[Roll No. 184]

YEAS—351

Abbutt	Esch	McCarthy
Abernethy	Eshleman	McClary
Adair	Evans, Colo.	McCloskey
Adams	Everett	McCulloch
Addabbo	Fallon	McDade
Albert	Fascell	McDonald,
Anderson, Ill.	Feighan	Mich.
Anderson,	Findley	McEwen
Tenn.	Fino	McFall
Andrews, Ala.	Flynt	Macdonald,
Andrews,	Foley	Mass.
N. Dak.	Ford, Gerald R.	MacGregor
Annunzio	Ford,	Machen
Arends	William D.	Mahon
Ashley	Fountain	Mailliard
Ahmore	Fraser	Marsh
Aspinall	Frelinghuysen	Mathias, Calif.
Baring	Friedel	Mathias, Md.
Barrett	Fulton, Pa.	Matsunaga
Bates	Fulton, Tenn.	May
Battin	Fuqua	Mayne
Belcher	Galifianakis	Meeds
Bennett	Gardner	Meskill
Berry	Garmatz	Michel
Betts	Gialmo	Miller, Calif.
Bevill	Gibbons	Mills
Biestler	Gonzalez	Minish
Blackburn	Goodell	Mink
Blanton	Goodling	Mize
Blatnik	Gray	Montagan
Boggs	Green, Oreg.	Montgomery
Bolling	Green, Pa.	Moore
Brasco	Griffin	Moorhead
Bray	Griffiths	Morgan
Brinkley	Gross	Morris, N. Mex.
Brock	Grover	Morse, Mass.
Brooks	Gubser	Mosher
Broomfield	Gude	Moss
Brotzman	Gurney	Myers
Brown, Ohio	Haley	Natcher
Broyhill, N.C.	Hall	Nix
Broyhill, Va.	Halpern	Nedzi
Buchanan	Hamilton	O'Konski
Burke, Fla.	Hammer-	Olsen
Burke, Mass.	schmidt	O'Neal, Ga.
Burton, Calif.	Hanley	O'Neill, Mass.
Burton, Utah	Hanna	Ottinger
Bush	Harsha	Passman
Button	Harvey	Patman
Byrne, Pa.	Hathaway	Patten
Byrnes, Wis.	Hays	Perkins
Cahill	Hechler, W. Va.	Pettis
Carey	Heckler, Mass.	Philbin
Casey	Helstoski	Pike
Chamberlain	Henderson	Pirnie
Clancy	Herlong	Poff
Clark	Hicks	Pool
Clausen,	Hollifield	Price, Ill.
Don H.	Horton	Pryor
Clawson, Del	Hosmer	Pucinski
Cleveland	Howard	Purcell
Cohelan	Hull	Quie
Collier	Hungate	Quillen
Colmer	Hunt	Rallsback
Conable	Hutchinson	Randall
Conte	Ichord	Rees
Corbett	Irwin	Reid, Ill.
Corman	Jacobs	Reid, N.Y.
Culver	Jarman	Reinecke
Cunningham	Joelson	Reuss
Curtis	Johnson, Calif.	Rhodes, Ariz.
Daniels	Johnson, Pa.	Rhodes, Pa.
Davis, Ga.	Jonas	Riegle
Davis, Wis.	Jones, Ala.	Rivers
de la Garza	Jones, N.C.	Robison
Delaney	Karth	Rodino
Dellenback	Kasteimeier	Rogers, Colo.
Denney	Kazen	Rogers, Fla.
Dent	Kee	Ronan
Derwinski	Keith	Rostenkowski
Devine	King, Calif.	Roth
Dickinson	King, N.Y.	Roudebush
Diggs	Kirwan	Roush
Dingell	Kleppe	Roybal
Dole	Kluczynski	Rumsfeld
Donohue	Kornegay	Ruppe
Dorn	Kupferman	Ryan
Dow	Kuykendall	St Germain
Dowdy	Kyl	Sandman
Downing	Laird	Satterfield
Dulski	Landrum	Saylor
Duncan	Langen	Schadeberg
Dwyer	Latta	Scherle
Eckhardt	Leggett	Schneebeli
Edmondson	Lennon	Schweiker
Edwards, Ala.	Lipscorn	Schwengel
Edwards, Calif.	Lloyd	Scott
Edwards, La.	Long, La.	Selden
Ellberg	Long, Md.	Shipley
Erlenborn	Lukens	Shriver

Sikes	Teague, Calif.	White
Sisk	Thompson, Ga.	Whitener
Skubitz	Thomson, Wls.	Whitten
Smith, Calif.	Tiernan	Widnall
Smith, Iowa	Tuck	Williams, Pa.
Smith, N.Y.	Tunney	Wilson, Bob
Smith, Okla.	Udall	Wilson,
Snyder	Ullman	Charles H.
Springer	Utt	Winn
Stafford	Van Deerlin	Wolf
Staggers	Vanlk	Wright
Stanton	Vigorito	Wyatt
Steed	Walde	Wydler
Stelger, Wls.	Walker	Wyllie
Stephens	Wampler	Wyman
Stratton	Watkins	Yates
Stubblefield	Watson	Young
Sullivan	Watts	Zablocki
Talcott	Whalen	Zion
Taylor	Whalley	Zwach

NAYS—17

Brown, Mich.	McClure	Rarick
Burleson	Miller, Ohio	Roberts
Cabell	Morton	Steiger, Ariz.
Fisher	Poage	Taft
Gathings	Pollock	Wiggins
Jones, Mo.	Price, Tex.	

NOT VOTING—65

Ashbrook	Gilbert	O'Hara, Mich.
Ayres	Hagan	Pelly
Bell	Halleck	Pepper
Bingham	Hansen, Idaho	Pickle
Boland	Hansen, Wash.	Podell
Bolton	Hardy	Reifel
Bow	Harrison	Resnick
Brademas	Hawkins	Rooney, N.Y.
Brown, Calif.	Hébert	Rooney, Pa.
Carter	Holland	Rosenthal
Cederberg	Karsten	St. Onge
Celler	Kelly	Scheuer
Conyers	Kyros	Slack
Cowger	McMillan	Stuckey
Cramer	Madden	Teague, Tex.
Daddario	Martin	Tenzer
Dawson	Minshall	Thompson, N.J.
Evins, Tenn.	Murphy, Ill.	Vander Jagt
Farbstein	Murphy, N.Y.	Waggonner
Flood	Nelsen	Willis
Gallagher	Nichols	
Gettys	O'Hara, Ill.	

So the bill was passed.

The Clerk announced the following pairs:

Mr. Brademas with Mr. Minshall.
 Mr. Murphy of Illinois with Mr. Reifel.
 Mrs. Kelly with Mrs. Bolton.
 Mr. Hardy with Mr. Ayres.
 Mr. Rooney of New York with Mr. Bow.
 Mr. Evins of Tennessee with Mr. Carter.
 Mr. Flood with Mr. Cederberg.
 Mr. Gettys with Mr. Ashbrook.
 Mr. Farbstein with Mr. Bell.
 Mr. Gallagher with Mr. Cowger.
 Mr. McMillan with Mr. Martin.
 Mr. Teague of Texas with Mr. Harrison.
 Mr. Hagan with Mr. Cramer.
 Mr. Madden with Mr. Halleck.
 Mr. Hébert with Mr. Widnall.
 Mr. O'Hara of Michigan with Mr. Nelsen.
 Mr. St. Onge with Mr. Hansen of Idaho.
 Mrs. Hansen of Washington with Mr. Pelly.
 Mr. Celler with Mr. Vander Jagt.
 Mr. Bingham with Mr. Daddario.
 Mr. Conyers with Mr. Resnick.
 Mr. Boland with Mr. Gilbert.
 Mr. Brown of California with Mr. Dawson.
 Mr. Hawkins with Mr. Scheuer.
 Mr. Kyros with Mr. Murphy of New York.
 Mr. Nichols with Mr. Holland.
 Mr. Pepper with Mr. Podell.
 Mr. Rooney of Pennsylvania with Mr. Pickle.
 Mr. Rosenthal with Mr. Thompson of New Jersey.
 Mr. Tenzer with Mr. Slack.
 Mr. Stuckey with Mr. Willis.
 Mr. Waggonner with Mr. Karsten.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PURCELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed and include extraneous matter.

The SPEAKER pro tempore (Mr. ALBERT). Is there objection to the request of the gentleman from Texas?

There was no objection.

PERSONAL STATEMENT

Mr. BOLAND. Mr. Speaker, when the vote came on final passage of H.R. 16363, the Wholesome Poultry Products Act, I was in conference at the Department of Housing and Urban Development. During general debate, I stated my position and support of the bill. If I had been present when the roll was called on final passage of the bill, I would have voted "aye."

[Mr. HAGAN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

PEACE CORPS AMENDMENTS

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1214 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1214

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15087) to authorize the further amendment of the Peace Corps Act. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.R. 15087, the Committee on Foreign Affairs shall be discharged from the further consideration of the bill S. 2914, and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 15087 as passed by the House.

The SPEAKER pro tempore. The gentleman from Missouri is recognized for 1 hour.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio [Mr. LATTI] and pending that I yield myself such time as I may consume.

Mr. Speaker, this resolution provides for 1 hour of general debate and an open rule. It provides in effect that after the bill is adopted its provisions will be substituted for a Senate bill so that the bill can go to conference.

There are supplemental views. I under-

stand from an additional view by the gentleman from Iowa that an amendment will be offered to the bill, but there is no opposition to the rule that I know of.

Therefore, I reserve the balance of my time.

(Mr. LATTI asked and was given permission to revise and extend his remarks.)

Mr. LATTI. Mr. Speaker, as indicated by the gentleman from Missouri [Mr. BOLLING], the purpose of the bill is to extend the Peace Corps program for 1 additional year, through fiscal 1969, and to authorize funds for 1969. The amount provided is \$112,800,000.

No substantive changes in the enabling legislation are contained in the bill. The authorization for 1969 is \$5,300,000 higher than the funds appropriated for 1968.

Currently Peace Corps personnel are working in 57 countries with 3 more to be added during 1969. Some 9,200 new members will be accepted and trained during the coming year. There are some 11,200 members currently serving overseas.

Supplemental views have been filed by eight members. They question the need for some 329 Peace Corps employees—not volunteers overseas—who receive Federal salaries in excess of \$12,000, an increase of over 100 percent since 1963. Administrative costs of the program in 1968 are about 26.7 percent, a very high figure.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution. The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. MORGAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15087) to authorize the further amendment of the Peace Corps Act.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 15087, with Mr. NATCHER in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Pennsylvania [Mr. MORGAN] will be recognized for 30 minutes, and the gentleman from Indiana [Mr. ADAIR] will be recognized for 30 minutes.

The Chair recognize the gentleman from Pennsylvania [Mr. MORGAN].

Mr. MORGAN. Mr. Chairman, I yield myself 5 minutes.

(Mr. MORGAN asked and was given permission to revise and extend his remarks.)

Mr. MORGAN. Mr. Chairman, it is pretty generally agreed that the Peace Corps is a success.

The countries in which the Peace Corps operates like the volunteers, and the de-

mand for their services exceeds the supply.

The American people like the Peace Corps. The number of applicants for service as volunteers is running at about 60,000 a year. From this number the Peace Corps hopes to select 9,200 volunteers to carry out its program for the fiscal year 1969.

It appears that the Peace Corps may be the largest employer of American college graduates except for the armed services.

The average number of volunteers serving overseas is running over 11,000.

The Peace Corps is operating in 57 countries, and the funds authorized in this bill will permit three more countries to be added.

When the Peace Corps began in 1961, there were many of us who worried about the possibility that the presence of our young volunteers in the underdeveloped countries might lead to trouble with some of the governments where they were located.

Actually there has never been a case where the presence of the Peace Corps has created any real problem in our dealings with other countries. On the contrary, the countries where the Peace Corps operates like the volunteers, make them welcome, and appreciate the assistance which they render.

It is true that seven countries have terminated Peace Corps operations.

The Peace Corps has returned to one of these, Ceylon. You may recall that several years ago Ceylon expropriated the property of several U.S. enterprises, and we cut off all foreign aid. The Government of Ceylon requested the Peace Corps to leave at that time.

In none of these seven countries was the performance of the volunteers the cause of the termination of the program.

In all cases, the Peace Corps was the victim of controversies to which it was not a party.

For instance, Mauritania in Africa asked all U.S. personnel to leave at the time of the Arab-Israel war a year ago.

In the case of Guinea, also in Africa, you remember the incident when a Pan American plane landed in Ghana, where the local police took a group of officials of the Government of Guinea off the plane. The Government of Guinea was annoyed with the United States and kicked the Peace Corps out in retaliation.

The other cases were comparable. In Pakistan, the excuse given by the Government was that they wanted technicians with a higher degree of skill than the Peace Corps could provide. Most people feel that the real difficulty was that Pakistan was annoyed with our policy toward India.

The point is that the Peace Corps has been an asset in our dealings with other nations, and I am sure that the overwhelming majority of the Congress and the American people want it to continue.

This bill authorizes \$112,800,000 for the fiscal year 1969—the full amount requested by the Executive.

The fiscal 1968 authorization was \$115,700,000 and the appropriation was \$107,500,000.

This amount will cover the training and pretraining costs of 9,200 trainees compared to 8,050 trainees in fiscal 1968.

I am sure that it will be argued that we ought to economize on the Peace Corps just as we do on other programs.

If you consider only the money involved, it is easy to cut the Peace Corps authorization.

When you consider what a dollar cut means to the thousands of young Americans who seek to serve as volunteers, a cut is not so easy to make.

The bulk of the Peace Corps budget goes to support volunteers overseas. The only real variable is the number of new people selected. Any substantial cut in funds will mean that fewer new volunteers will be able to enter service.

The Peace Corps constitutes one of the few bright spots in the field of foreign affairs. The undeveloped countries need and desire more volunteers than are currently available.

Thousands of dedicated, qualified Americans are eager to serve in the Peace Corps. There is an important job for them to do.

Under these circumstances, it seems to me that we ought to give these people an opportunity to serve their country.

Mr. Chairman, I strongly support this bill, and hope that it is adopted.

The CHAIRMAN. The Chair now recognizes the gentleman from Indiana [Mr. ADAIR].

Mr. ADAIR. Mr. Chairman, I yield myself such time as I may consume.

(Mrs. BOLTON (at the request of Mr. ADAIR) was granted permission to extend her remarks at this point in the RECORD.)

Mrs. BOLTON. Mr. Chairman, in its 7 years, the Peace Corps has earned an admirable record for diplomacy and public relations. It has rendered vital assistance to dozens of countries in programs of health, education and community development. With pride I note that from my own State of Ohio there are approximately 500 volunteers serving abroad this year.

The impact of the Peace Corps is well known. New programs in several additional nations are being considered. As the results of Peace Corps efforts have become apparent, the requests for assistance have increased. We can be very proud of the accomplishments of the Peace Corps personnel, many of whom are young and inexperienced.

These volunteers find the work rugged, hours long, and isolation from friends and familiar surroundings harder to live with than they had realized. Most of them rise above the difficulties. They quickly develop hidden talents and creativity and endurance.

Upon completion of their tour of duty, many return to the United States eager for similarly challenging opportunities to serve mankind. Business firms and schools are making great efforts to attract returnees. Their alert thinking and enthusiasm are considered an asset in our own community development.

Occasionally in the past year I have become aware of incidents and reports which suggest that some of the Peace Corps personnel may be getting sidetracked from the original purpose of the Corps. This I consider unfortunate and costly, both in terms of dollars and reputation. In the Peace Corps, as in

all other organizations, there come temptations to slacken efforts and divert energy and resources into other channels. I hope every possible attempt will be made to improve the administration of this remarkable organization.

In the hope that the Peace Corps will continue to live up to its high ideals and its established record, I support this bill.

Mr. ADAIR. Mr. Chairman, I rise in support of the bill this year, as I have in the past. The chairman has pointed out the details and the fact that this bill represents an extension of 1 year for this program.

It will be remembered that last year the authorization request was \$115,700,000, and the appropriation figure was \$107,500,000. This year the authorization request is \$112,800,000.

It is my understanding, Mr. Chairman, that the gentleman from Iowa [Mr. Gross] will have an amendment to reduce that figure.

Although I am strongly in accord with the objectives of the Peace Corps, I should like to invite the attention of the Members to the supplemental views which are made a part of the report with respect to this bill. We have tried to stress in those views certain factors that we find disquieting. First, in spite of the worthy objectives of this organization and the good work that it has done in many countries, we are of the opinion that the program requires continued and closer congressional supervision. We have not been entirely satisfied, Mr. Chairman, with the administration of the program, and hope by our close scrutiny to improve that administration. In the absence of such legislative oversight neither the dollars appropriated nor the volunteers in service will be used to maximum effectiveness.

A second factor to which I invite the attention of the Members is a table in the supplemental views similar to one that we have included in previous years. This table shows the number of employees of the Peace Corps who are receiving salaries in excess of \$12,000. We are concerned lest this indicates mounting administrative costs at the expense, perhaps, of the volunteers who do work, as we all know, for relatively small amounts of money.

The Director of the Peace Corps very correctly points out that the increasing number of those receiving over \$12,000 is occasioned in part by the fact that there have been salary increases granted to Federal employees. This is of course true. Nevertheless the number has increased greatly. Since 1963 it has risen over 100 percent until now there are 329 people receiving in excess of \$12,000 per year.

With those observations, Mr. Chairman, and the hope that the administrative activities of the Corps can be strengthened, I urge the adoption of this bill.

Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. DERWINSKI].

(Mr. DERWINSKI asked and was given permission to revise and extend his remarks.)

Mr. DERWINSKI. Mr. Chairman, I merely wish to second the remarks made by my distinguished senior colleague on

90TH CONGRESS
2D SESSION

H. R. 16363

IN THE SENATE OF THE UNITED STATES

JUNE 17, 1968

Read twice and referred to the Committee on Agriculture and Forestry

AN ACT

To clarify and otherwise amend the Poultry Products Inspection Act, to provide for cooperation with appropriate State agencies with respect to State poultry products inspection programs, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Wholesome Poultry
4 Products Act".

5 SEC. 2. Section 2 of the Poultry Products Inspection
6 Act (71 Stat. 441, as amended; 21 U.S.C. 451) is hereby
7 amended to read:

8 "SEC. 2. Poultry and poultry products are an important
9 source of the Nation's total supply of food. They are con-

1 sumed throughout the Nation and the major portion thereof
2 moves in interstate or foreign commerce. It is essential in
3 the public interest that the health and welfare of consumers
4 be protected by assuring that poultry products distributed to
5 them are wholesome, not adulterated, and properly marked,
6 labeled, and packaged. Unwholesome, adulterated, or mis-
7 branded poultry products impair the effective regulation of
8 poultry products in interstate or foreign commerce, are in-
9 jurious to the public welfare, destroy markets for wholesome,
10 not adulterated, and properly labeled and packaged poultry
11 products, and result in sundry losses to poultry producers and
12 processors of poultry and poultry products, as well as injury
13 to consumers. It is hereby found that all articles and poultry
14 which are regulated under this Act are either in interstate
15 or foreign commerce or substantially affect such commerce,
16 and that regulation by the Secretary of Agriculture and
17 cooperation by the States and other jurisdictions as con-
18 templated by this Act are appropriate to prevent and elimi-
19 nate burdens upon such commerce, to effectively regulate
20 such commerce, and to protect the health and welfare of
21 consumers.”

22 SEC. 3. Section 3 of said Act (21 U.S.C. 452) is hereby
23 amended to read:

24 “SEC. 3. It is hereby declared to be the policy of the Con-
25 gress to provide for the inspection of poultry and poultry

1 products and otherwise regulate the processing and distribu-
2 tion of such articles as hereinafter prescribed to prevent the
3 movement or sale in interstate or foreign commerce of, or
4 the burdening of such commerce by poultry products which
5 are adulterated or misbranded.”

6 SEC. 4. Section 4 of said Act (21 U.S.C. 453) is hereby
7 amended to read: “For purposes of this Act—

8 “(a) The term ‘commerce’ means commerce between
9 any State, any territory, or the District of Columbia, and
10 any place outside thereof; or within any territory not orga-
11 nized with a legislative body, or the District of Columbia.

12 “(b) Except as otherwise provided in this Act, the term
13 ‘State’ means any State of the United States and the Com-
14 monwealth of Puerto Rico.

15 “(c) The term ‘territory’ means Guam, the Virgin Is-
16 lands of the United States, American Samoa, and any other
17 territory or possession of the United States, excluding the
18 Canal Zone.

19 “(d) The term ‘United States’ means the States, the
20 District of Columbia, and the territories of the United States.

21 “(e) The term ‘poultry’ means any domesticated bird,
22 whether live or dead.

23 “(f) The term ‘poultry product’ means any poultry car-
24 cass, or part thereof; or any product which is made wholly or
25 in part from any poultry carcass or part thereof, excepting

1 products which contain poultry ingredients only in a rela-
2 tively small proportion or historically have not been consid-
3 ered by consumers as products of the poultry food industry,
4 and which are exempted by the Secretary from definition
5 as a poultry product under such conditions as the Secretary
6 may prescribe to assure that the poultry ingredients in such
7 products are not adulterated and that such products are not
8 represented as poultry products.

9 “(g) The term ‘adulterated’ shall apply to any poultry
10 product under one or more of the following circumstances:

11 “(1) if it bears or contains any poisonous or dele-
12 terious substance which may render it injurious to
13 health; but in case the substance is not an added sub-
14 stance, such article shall not be considered adulterated
15 under this clause if the quantity of such substance in or
16 on such article does not ordinarily render it injurious to
17 health;

18 “(2) (A) if it bears or contains (by reason of ad-
19 ministration of any substance to the live poultry or other-
20 wise) any added poisonous or added deleterious sub-
21 stance (other than one which is (i) a pesticide chemical
22 in or on a raw agricultural commodity; (ii) a food ad-
23 ditive; or (iii) a color additive) which may, in the
24 judgment of the Secretary, make such article unfit for
25 human food;

1 “(B) if it is, in whole or in part, a raw agricultural
2 commodity and such commodity bears or contains a
3 pesticide chemical which is unsafe within the meaning
4 of section 408 of the Federal Food, Drug, and Cosmetic
5 Act;

6 “(C) if it bears or contains any food additive which
7 is unsafe within the meaning of section 409 of the Fed-
8 eral Food, Drug, and Cosmetic Act;

9 “(D) if it bears or contains any color additive
10 which is unsafe within the meaning of section 706 of
11 the Federal Food, Drug, and Cosmetic Act: *Provided*,
12 That an article which is not otherwise deemed adulter-
13 ated under clause (B), (C), or (D) shall nevertheless
14 be deemed adulterated if use of the pesticide chemical,
15 food additive, or color additive in or on such article is
16 prohibited by regulations of the Secretary in official
17 establishments;

18 “(3) if it consists in whole or in part of any filthy,
19 putrid, or decomposed substance or is for any other rea-
20 son unsound, unhealthful, unwholesome, or otherwise
21 unfit for human food;

22 “(4) if it has been prepared, packed, or held under
23 insanitary conditions whereby it may have become con-
24 taminated with filth, or whereby it may have been ren-
25 dered injurious to health;

1 “(5) if it is, in whole or in part, the product of any
2 poultry which has died otherwise than by slaughter;

3 “(6) if its container is composed, in whole or in
4 part, of any poisonous or deleterious substance which
5 may render the contents injurious to health;

6 “(7) if it has been intentionally subjected to radia-
7 tion, unless the use of the radiation was in conformity
8 with a regulation or exemption in effect pursuant to sec-
9 tion 409 of the Federal Food, Drug, and Cosmetic
10 Act; or

11 “(8) if any valuable constituent has been in whole
12 or in part omitted or abstracted therefrom; or if any sub-
13 stance has been substituted, wholly or in part therefor;
14 or if damage or inferiority has been concealed in any
15 manner; or if any substance has been added thereto or
16 mixed or packed therewith so as to increase its bulk or
17 weight, or reduce its quality or strength, or make it
18 appear better or of greater value than it is.

19 “(h) The term ‘misbranded’ shall apply to any poultry
20 product under one or more of the following circumstances:

21 “(1) if its labeling is false or misleading in any
22 particular;

23 “(2) if it is offered for sale under the name of an-
24 other food;

25 “(3) if it is an imitation of another food, unless its

1 label bears, in type of uniform size and prominence, the
2 word 'imitation' and immediately thereafter, the name
3 of the food imitated;

4 “(4) if its container is so made, formed, or filled as
5 to be misleading;

6 “(5) unless it bears a label showing (A) the name
7 and the place of business of the manufacturer, packer,
8 or distributor; and (B) an accurate statement of the
9 quantity of the product in terms of weight, measure, or
10 numerical count: *Provided*, That under clause (B) of
11 this subparagraph (5), reasonable variations may be
12 permitted, and exemptions as to small packages or
13 articles not in packages or other containers may be estab-
14 lished by regulations prescribed by the Secretary;

15 “(6) if any word, statement, or other information
16 required by or under authority of this Act to appear on
17 the label or other labeling is not prominently placed
18 thereon with such conspicuousness (as compared with
19 other words, statements, designs, or devices, in the
20 labeling) and in such terms as to render it likely to be
21 read and understood by the ordinary individual under
22 customary conditions of purchase and use;

23 “(7) if it purports to be or is represented as a food
24 for which a definition and standard of identity or compo-

1 sition has been prescribed by regulations of the Secre-
2 tary under section 8 of this Act unless (A) it conforms
3 to such definition and standard, and (B) its label bears
4 the name of the food specified in the definition and stand-
5 ard and, insofar as may be required by such regulations,
6 the common names of optional ingredients (other than
7 spices, flavoring, and coloring) present in such food;

8 “(8) if it purports to be or is represented as a food
9 for which a standard or standards of fill of container have
10 been prescribed by regulations of the Secretary under
11 section 8 of this Act, and it falls below the standard of
12 fill of container applicable thereto, unless its label bears,
13 in such manner and form as such regulations specify, a
14 statement that it falls below such standard;

15 “(9) if it is not subject to the provisions of subpara-
16 graph (7), unless its label bears (A) the common or
17 usual name of the food, if any there be, and (B) in case
18 it is fabricated from two or more ingredients, the com-
19 mon or usual name of each such ingredient; except that
20 spices, flavorings, and colorings may, when authorized
21 by the Secretary, be designated as spices, flavorings,
22 and colorings without naming each: *Provided*, That to
23 the extent that compliance with the requirements of
24 clause (B) of this subparagraph (9) is impracticable
25 or results in deception or unfair competition, exemptions

1 shall be established by regulations promulgated by the
2 Secretary;

3 “(10) if it purports to be or is represented for
4 special dietary uses unless its label bears such informa-
5 tion concerning its vitamin, mineral, and other dietary
6 properties as the Secretary, after consultation with the
7 Secretary of Health, Education, and Welfare, determines
8 to be, and by regulations prescribes as, necessary in order
9 fully to inform purchasers as to its value for such uses;

10 “(11) if it bears or contains any artificial flavoring,
11 artificial coloring, or chemical preservative, unless it
12 bears labeling stating that fact: *Provided*, That, to the
13 extent that compliance with the requirements of this
14 subparagraph (11) is impracticable, exemptions shall
15 be established by regulations promulgated by the Secre-
16 tary; or

17 “(12) if it fails to bear on its containers, and in the
18 case of nonconsumer packaged carcasses directly thereon,
19 as the Secretary may by regulations prescribe, the official
20 inspection legend and official establishment number of the
21 establishment where the article was processed, and, un-
22 restricted by any of the foregoing, such other information
23 as the Secretary may require in such regulations to assure
24 that it will not have false or misleading labeling and that

1 the public will be informed of the manner of handling
2 required to maintain the article in a wholesome condition.

3 “(i) The term ‘Secretary’ means the Secretary of Agri-
4 culture or his delegate.

5 “(j) The term ‘person’ means any individual, partner-
6 ship, corporation, association, or other business unit.

7 “(k) The term ‘inspector’ means: (1) an employee or
8 official of the United States Government authorized by the
9 Secretary to inspect poultry and poultry products under the
10 authority of this Act, or (2) any employee or official of the
11 government of any State or territory or the District of
12 Columbia authorized by the Secretary to inspect poultry and
13 poultry products under authority of this Act, under an agree-
14 ment entered into between the Secretary and the appropriate
15 State or other agency.

16 “(l) The term ‘official mark’ means the official inspec-
17 tion legend or any other symbol prescribed by regulations of
18 the Secretary to identify the status of any article or poultry
19 under this Act.

20 “(m) The term ‘official inspection legend’ means any
21 symbol prescribed by regulations of the Secretary showing
22 that an article was inspected and passed in accordance with
23 this Act.

24 “(n) The term ‘official certificate’ means any certificate
25 prescribed by regulations of the Secretary for issuance by an

1 inspector or other person performing official functions under
2 this Act.

3 “(o) The term ‘official device’ means any device pre-
4 scribed or authorized by the Secretary for use in applying
5 any official mark.

6 “(p) The term ‘official establishment’ means any estab-
7 lishment as determined by the Secretary at which inspection
8 of the slaughter of poultry, or the processing of poultry prod-
9 ucts, is maintained under the authority of this Act.

10 “(q) The term ‘inspection service’ means the official
11 Government service within the Department of Agriculture
12 designated by the Secretary as having the responsibility for
13 carrying out the provisions of this Act.

14 “(r) The term ‘container’ or ‘package’ includes any box,
15 can, tin, cloth, plastic, or other receptacle, wrapper, or cover.

16 “(s) The term ‘label’ means a display of written,
17 printed, or graphic matter upon any article or the immediate
18 container (not including package liners) of any article; and
19 the term ‘labeling’ means all labels and other written,
20 printed, or graphic matter (1) upon any article or any of
21 its containers or wrappers, or (2) accompanying such
22 article.

23 “(t) The term ‘shipping container’ means any container
24 used or intended for use in packaging the product packed in
25 an immediate container.

1 “(u) The term ‘immediate container’ includes any con-
2 sumer package; or any other container in which poultry
3 products, not consumer packaged, are packed.

4 “(v) The term ‘capable of use as human food’ shall
5 apply to any carcass, or part or product of a carcass, of any
6 poultry, unless it is denatured or otherwise identified as re-
7 quired by regulations prescribed by the Secretary to deter its
8 use as human food, or it is naturally inedible by humans.

9 “(w) The term ‘processed’ means slaughtered, canned,
10 salted, stuffed, rendered, boned, cut up, or otherwise manu-
11 factured or processed.

12 “(x) The term ‘Federal Food, Drug, and Cosmetic
13 Act’ means the Act so entitled, approved June 25, 1938
14 (52 Stat. 1040), and Acts amendatory thereof or supple-
15 mentary thereto.

16 “(y) The terms ‘pesticide chemical’, ‘food additive’,
17 ‘color additive’, and ‘raw agricultural commodity’ shall have
18 the same meanings for purposes of this Act as under the
19 Federal Food, Drug, and Cosmetic Act.

20 “(z) The term ‘poultry products broker’ means any
21 person engaged in the business of buying or selling poultry
22 products on commission, or otherwise negotiating purchases
23 or sales of such articles other than for his own account or as
24 an employee of another person.

25 “(aa) The term ‘renderer’ means any person engaged

1 in the business of rendering carcasses, or parts or products
2 of the carcasses, of poultry, except rendering conducted
3 under inspection or exemption under this Act.

4 “(bb) The term ‘animal food manufacturer’ means any
5 person engaged in the business of manufacturing or process-
6 ing animal food derived wholly or in part from carcasses, or
7 parts or products of the carcasses, of poultry.”

8 SEC. 5. Section 5 of said Act (21 U.S.C. 454) is hereby
9 amended to read:

10 “SEC. 5. (a) It is the policy of the Congress to protect
11 the consuming public from poultry products that are adulter-
12 ated or misbranded and to assist in efforts by State and other
13 Government agencies to accomplish this objective. In fur-
14 therance of this policy—

15 “(1) The Secretary is authorized, whenever he
16 determines that it would effectuate the purposes of this
17 Act, to cooperate with the appropriate State agency in
18 developing and administering a State poultry product
19 inspection program in any State which has enacted a
20 mandatory State poultry product inspection law that im-
21 poses ante-mortem and post-mortem inspection, reinspec-
22 tion and sanitation requirements that are at least equal to
23 those under this Act, with respect to all or certain classes
24 of persons engaged in the State in slaughtering poultry or

1 processing poultry products for use as human food solely
2 for distribution within such State.

3 “(2) The Secretary is further authorized, whenever
4 he determines that it would effectuate the purposes of
5 this Act, to cooperate with appropriate State agencies
6 in developing and administering State programs under
7 State laws containing authorities at least equal to those
8 provided in section 11 of this Act; and to cooperate with
9 other agencies of the United States in carrying out any
10 provisions of this Act. In carrying out the provisions of
11 this Act, the Secretary may conduct such examinations,
12 investigations, and inspections as he determines practi-
13 cable through any officer or employee of any State or
14 Territory or the District of Columbia commissioned by
15 the Secretary for such purpose.

16 “(3) Cooperation with State agencies under this
17 section may include furnishing to the appropriate State
18 agency (i) advisory assistance in planning and otherwise
19 developing an adequate State program under the State
20 law; and (ii) technical and laboratory assistance and
21 training (including necessary curricular and instruc-
22 tional materials and equipment), and financial and other
23 aid for administration of such a program. The amount
24 to be contributed to any State by the Secretary under
25 this section from Federal funds for any year shall not

1 exceed 50 per centum of the estimated total cost of the
2 cooperative program; and the Federal funds shall be
3 allocated among the States desiring to cooperate on an
4 equitable basis. Such cooperation and payment shall be
5 contingent at all times upon the administration of the
6 State program in a manner which the Secretary, in con-
7 sultation with the appropriate advisory committee ap-
8 pointed under subparagraph (4), deems adequate to
9 effectuate the purposes of this section.

10 “(4) The Secretary may appoint advisory commit-
11 tees consisting of such representatives of appropriate
12 State agencies as the Secretary and the State agencies
13 may designate to consult with him concerning State
14 and Federal programs with respect to poultry product in-
15 spection and other matters within the scope of this Act,
16 including evaluating State programs for purposes of this
17 Act and obtaining better coordination and more uni-
18 formity among the State programs and between the Fed-
19 eral and State programs and adequate protection of
20 consumers.

21 “(b) The appropriate State agency with which the
22 Secretary may cooperate under this Act shall be a single
23 agency in the State which is primarily responsible for the
24 coordination of the State programs having objectives similar
25 to those under this Act. When the State program includes

1 performance of certain functions by a municipality or other
2 subordinate governmental unit, such unit shall be deemed to
3 be a part of the State agency for purposes of this section.

4 “(c) (1) If the Secretary has reason to believe, by
5 thirty days prior to the expiration of two years after enact-
6 ment of the Wholesome Poultry Products Act, that a State
7 has failed to develop or is not enforcing, with respect to all
8 establishments within its jurisdiction (except those that
9 would be exempted from Federal inspection under subpara-
10 graph (2) of this paragraph (c)) at which poultry are
11 slaughtered, or poultry products are processed for use as
12 human food, solely for distribution within such State, and the
13 products of such establishments, requirements at least equal
14 to those imposed under sections 1-4, 6-10, and 12-22 of this
15 Act, he shall promptly notify the Governor of the State of
16 this fact. If the Secretary determines, after consultation with
17 the Governor of the State, or representative selected by him,
18 that such requirements have not been developed and acti-
19 vated, he shall promptly after the expiration of such two-
20 year period designate such State as one in which the provi-
21 sions of said sections of this Act shall apply to operations
22 and transactions wholly within such State: *Provided*, That if
23 the Secretary has reason to believe that the State will acti-
24 vate such requirements within one additional year, he may
25 delay such designation for said period, and not designate the

1 State, if he determines at the end of the year that the State
2 then has such requirements in effective operation. The Secre-
3 tary shall publish any such designation in the Federal Regis-
4 ter and, upon the expiration of thirty days after such publi-
5 cation, the provisions of said sections of this Act shall apply
6 to operations and transactions and to persons engaged there-
7 in in the State to the same extent and in the same manner
8 as if such operations and transactions were conducted in or
9 for commerce. However, notwithstanding any other provi-
10 sion of this section, if the Secretary determines that any
11 establishment within a State is producing adulterated poul-
12 try products for distribution within such State which would
13 clearly endanger the public health he shall notify the Gover-
14 nor of the State and the appropriate advisory committee
15 provided for by subparagraph (a) (4) of this section of such
16 fact for effective action under State or local law. If the State
17 does not take action to prevent such endangering of the
18 public health within a reasonable time after such notice, as
19 determined by the Secretary, in light of the risk to public
20 health, the Secretary may forthwith designate any such
21 establishment as subject to the provisions of said sections of
22 this Act, and thereupon the establishment and operator
23 thereof shall be subject to such provisions as though engaged
24 in commerce until such time as the Secretary determines that

1 such State has developed and will enforce requirements at
2 least equal to those imposed under said sections.

3 “(2) The provisions of this Act requiring inspection of
4 the slaughter of poultry and the processing of poultry prod-
5 ucts shall not apply to operations of types traditionally and
6 usually conducted at retail stores and restaurants, when con-
7 ducted at any retail store or restaurant or similar retail-type
8 establishment for sale in normal retail quantities or service
9 of such articles to consumers at such establishments if such
10 establishments are subject to such inspection provisions only
11 under this paragraph (c).

12 “(3) Whenever the Secretary determines that any State
13 designated under this paragraph (c) has developed and will
14 enforce State poultry products inspection requirements at
15 least equal to those imposed under the aforesaid sections of
16 this Act, with respect to the operations and transactions
17 within such State which are regulated under subparagraph
18 (1) of this paragraph (c), he shall terminate the designation
19 of such State under this paragraph (c), but this shall not
20 preclude the subsequent redesignation of the State at any
21 time upon thirty days’ notice to the Governor and publication
22 in the Federal Register in accordance with this paragraph.
23 and any State may be designated upon such notice and
24 publication, at any time after the period specified in this
25 paragraph whether or not the State has theretofore been

1 designated, upon the Secretary determining that it is not
2 effectively enforcing requirements at least equal to those
3 imposed under said sections.

4 “(4) The Secretary shall promptly upon enactment of
5 the Wholesome Poultry Products Act, and periodically there-
6 after, but at least annually, review the requirements, includ-
7 ing the enforcement thereof, of the several States not desig-
8 nated under this paragraph (c), with respect to the slaugh-
9 ter, and the processing, storage, handling, and distribution of
10 poultry products, and inspection of such operations, and
11 annually report thereon to the Committee on Agriculture of
12 the House of Representatives and the Committee on Agricul-
13 ture and Forestry of the Senate in the report required in sec-
14 tion 27 of the Wholesome Poultry Products Act.

15 “(d) As used in this section, the term ‘State’ means
16 any State (including the Commonwealth of Puerto Rico) or
17 organized territory.”

18 SEC. 6. Section 6 of said Act (21 U.S.C. 455) is
19 hereby amended as follows:

20 (a) Paragraph (a) is amended to read:

21 “(a) For the purpose of preventing the entry into or
22 flow or movement in commerce of, or the burdening of
23 commerce by, any poultry product which is capable of use
24 as human food and is adulterated, the Secretary shall, where
25 and to the extent considered by him necessary, cause to be

1 made by inspectors ante mortem inspection of poultry in
2 each official establishment processing poultry or poultry
3 products for commerce or otherwise subject to inspection
4 under this Act.”

5 (b) Paragraph (b) is amended by deleting the phrase
6 “in, or for marketing in a designated city or area” and sub-
7 stituting the phrase “otherwise subject to inspection under
8 this Act”; by inserting the word “and” before the word
9 “reinspection”; and by inserting the phrase “capable of use
10 as human food” after the phrase “poultry products” the
11 first time the latter phrase appears in the paragraph.

12 (c) Paragraph (c) is amended by deleting the phrase
13 “unwholesome or” and the phrase “not unwholesome and”
14 each time they appear therein; and by inserting the word
15 “other” before the phrase “poultry products”.

16 SEC. 7. In section 7 of said Act (21 U.S.C. 456) para-
17 graph (a) is hereby amended by deleting the phrase “in or
18 for marketing in a designated major consuming area” and
19 substituting the phrase “otherwise subject to inspection under
20 this Act”; by deleting the phrase “in a designated major
21 consuming area” and substituting the phrase “burdensome
22 effect upon commerce”; and by deleting the phrase “un-
23 wholesome or”.

24 SEC. 8. Section 8 of said Act (21 U.S.C. 457) is hereby
25 amended to read:

1 “SEC. 8. (a) All poultry products inspected at any offi-
2 cial establishment under the authority of this Act and found
3 to be not adulterated, shall at the time they leave the estab-
4 lishment bear, in distinctly legible form, on their shipping
5 containers and immediate containers, and in the case of non-
6 consumer packaged carcasses directly thereon, as the Secre-
7 tary may require, the information required under paragraph
8 (h) of section 4 of this Act.

9 “(b) The Secretary, whenever he determines such ac-
10 tion is necessary for the protection of the public, may pre-
11 scribe: (1) the styles and sizes of type to be used with respect
12 to material required to be incorporated in labeling to avoid
13 false or misleading labeling in marketing and labeling any
14 articles or poultry subject to this Act; (2) definitions and
15 standards of identity or composition or articles subject to this
16 Act and standards of fill of container for such articles not in-
17 consistent with any such standards established under the
18 Federal Food, Drug, and Cosmetic Act, and there shall be
19 consultation between the Secretary and the Secretary of
20 Health, Education, and Welfare prior to the issuance of such
21 standards under either Act relating to articles subject to this
22 Act to avoid inconsistency in such standards and possible
23 impairment of the coordinated effective administration of
24 these Acts. There shall also be consultation between the Sec-

1 retary and an appropriate advisory committee provided for
2 in section 5 of this Act, prior to the issuance of such stand-
3 ards under this Act, to avoid, insofar as feasible, inconsistency
4 between Federal and State standards.

5 “(c) No article subject to this Act shall be sold or offered
6 for sale by any person in commerce, under any name or
7 other marking or labeling which is false or misleading, or in
8 any container of a misleading form or size, but established
9 trade names and other marking and labeling and containers
10 which are not false or misleading and which are approved
11 by the Secretary are permitted.

12 “(d) If the Secretary has reason to believe that any
13 marking or labeling or the size or form of any container in
14 use or proposed for use with respect to any article subject
15 to this Act is false or misleading in any particular, he may
16 direct that such use be withheld unless the marking, label-
17 ing, or container is modified in such manner as he may pre-
18 scribe so that it will not be false or misleading. If the person
19 using or proposing to use the marking, labeling, or container
20 does not accept the determination of the Secretary, such
21 person may request a hearing, but the use of the marking,
22 labeling, or container shall, if the Secretary so directs, be
23 withheld pending hearing and final determination by the
24 Secretary. Any such determination by the Secretary shall
25 be conclusive unless, within thirty days after receipt of

1 notice of such final determination, the person adversely
2 affected thereby appeals to the United States Court of Ap-
3 peals for the circuit in which such person has its principal
4 place of business or to the United States Court of Appeals
5 for the District of Columbia Circuit. The provisions of sec-
6 tion 204 of the Packers and Stockyards Act, 1921 (42
7 Stat. 162, as amended; 7 U.S.C. 194), shall be applicable
8 to appeals taken under this section.”

9 SEC. 9. Section 9 of said Act (21 U.S.C. 458) is
10 amended to read:

11 “SEC. 9. (a) No person shall knowingly—

12 “(1) slaughter any poultry or process any poultry
13 products which are capable of use as human food at any
14 establishment processing any such articles for commerce,
15 except in compliance with the requirements of this Act;

16 “(2) sell, transport, offer for sale or transportation,
17 or receive for transportation, in commerce, (A) any
18 poultry products which are capable of use as human food
19 and are adulterated or misbranded at the time of such
20 sale, transportation, offer for sale or transportation, or
21 receipt for transportation; or (B) any poultry products
22 required to be inspected under this Act unless they have
23 been so inspected and passed;

24 “(3) do, with respect to any poultry products which

1 are capable of use as human food, any act while they
2 are being transported in commerce or held for sale after
3 such transportation, which is intended to cause or has
4 the effect of causing such products to be adulterated or
5 misbranded;

6 “(4) sell, transport, offer for sale or transporta-
7 tion, or receive for transportation, in commerce or from
8 an official establishment, any slaughtered poultry from
9 which the blood, feathers, feet, head, or viscera have
10 not been removed in accordance with regulations pro-
11 mulgated by the Secretary, except as may be authorized
12 by regulations of the Secretary;

13 “(5) use to his own advantage, or reveal other
14 than to the authorized representatives of the United
15 States Government or any State or other government
16 in their official capacity, or as ordered by a court in any
17 judicial proceedings, any information acquired under the
18 authority of this Act concerning any matter which is
19 entitled to protection as a trade secret.

20 “(b) No brand manufacturer, printer, or other person
21 shall cast, print, lithograph, or otherwise make any device
22 containing any official mark or simulation thereof, or any
23 label bearing any such mark or simulation, or any form of
24 official certificate or simulation thereof, except as authorized
25 by the Secretary.

1 “(c) No person shall—

2 “(1) forge any official device, mark, or certificate;

3 “(2) without authorization from the Secretary use
4 any official device, mark, or certificate, or simulation
5 thereof, or alter, detach, deface, or destroy any official
6 device, mark, or certificate;

7 “(3) contrary to the regulations prescribed by the
8 Secretary, fail to use, or to detach, deface, or destroy any
9 official device, mark, or certificate;

10 “(4) knowingly possess, without promptly notify-
11 ing the Secretary or his representative, any official de-
12 vice or any counterfeit, simulated, forged, or improperly
13 altered official certificate or any device or label or any
14 carcass of any poultry, or part or product thereof, bear-
15 ing any counterfeit, simulated, forged, or improperly
16 altered official mark;

17 “(5) knowingly make any false statement in any
18 shippers certificate or other nonofficial or official certifi-
19 cate provided for in the regulations prescribed by the
20 Secretary; or

21 “(6) knowingly represent that any article has been
22 inspected and passed, or exempted, under this Act when,
23 in fact, it has, respectively, not been so inspected and
24 passed, or exempted.”

1 SEC. 10. Section 10 of said Act (21 U.S.C. 459) is
2 hereby amended by deleting the phrase “in or for marketing
3 in a designated major consuming area” and substituting the
4 phrase “otherwise subject to this Act”.

5 SEC. 11. Section 11 of said Act (21 U.S.C. 460) is
6 hereby amended to read:

7 “(a) Inspection shall not be provided under this Act
8 at any establishment for the slaughter of poultry or the
9 processing of any carcasses or parts or products of poultry,
10 which are not intended for use as human food, but such
11 articles shall, prior to their offer for sale or transportation
12 in commerce, unless naturally inedible by humans, be de-
13 natured or otherwise identified as prescribed by regulations
14 of the Secretary to deter their use for human food. No person
15 shall buy, sell, transport, or offer for sale or transportation,
16 or receive for transportation, in commerce, or import, any
17 poultry carcasses or parts or products thereof which are not
18 intended for use as human food unless they are denatured or
19 otherwise identified as required by the regulations of the
20 Secretary or are naturally inedible by humans.

21 “(b) The following classes of persons shall, for such
22 period of time as the Secretary may by regulations prescribe,
23 not to exceed two years unless otherwise directed by the Sec-
24 retary for good cause shown, keep such records as are proper-
25 ly necessary for the effective enforcement of this Act in order

1 to insure against adulterated or misbranded poultry products
2 for the American consumer; and all persons subject to such
3 requirements shall, at all reasonable times, upon notice by a
4 duly authorized representative of the Secretary, afford such
5 representative access to their places of business and opportu-
6 nity to examine the facilities, inventory, and records thereof,
7 to copy all such records, and to take reasonable samples of
8 their inventory upon payment of the fair market value
9 therefor—

10 “(1) Any person that engages in the business of
11 slaughtering any poultry or processing, freezing, packag-
12 ing, or labeling any carcasses, or parts or products of
13 carcasses, of any poultry, for commerce, for use as human
14 food or animal food;

15 “(2) Any person that engages in the business of
16 buying or selling (as poultry products brokers, whole-
17 salers or otherwise), or transporting, in commerce, or
18 storing in or for commerce, or importing, any carcasses,
19 or parts or products of carcasses, of any poultry;

20 “(3) Any person that engages in business, in or
21 for commerce, as a renderer, or engages in the business
22 of buying, selling, or transporting, in commerce, or im-
23 porting, any dead, dying, disabled, or diseased poultry
24 or parts of the carcasses of any poultry that died other-
25 wise than by slaughter.

1 “(c) No person shall engage in business, in or for com-
2 merce, as a poultry products broker, renderer, or animal food
3 manufacturer, or engage in business in commerce as a whole-
4 saler of any carcasses, or parts or products of the carcasses,
5 of any poultry, whether intended for human food or other
6 purposes, or engage in business as a public warehouseman
7 storing any such articles in or for commerce, or engage in
8 the business of buying, selling, or transporting in commerce,
9 or importing, any dead, dying, disabled, or diseased poultry,
10 or parts of the carcasses of any poultry that died otherwise
11 than by slaughter, unless, when required by regulations of
12 the Secretary, he has registered with the Secretary his name,
13 and the address of each place of business at which, and all
14 trade names under which, he conducts such business.

15 “(d) No person engaged in the business of buying, sell-
16 ing, or transporting in commerce, or importing, dead, dying,
17 disabled, or diseased poultry, or any parts of the carcasses of
18 any poultry that died otherwise than by slaughter, shall buy,
19 sell, transport, offer for sale or transportation, or receive for
20 transportation, in commerce, or import, any dead, dying, dis-
21 abled, or diseased poultry or parts of the carcasses of any
22 poultry that died otherwise than by slaughter, unless such
23 transaction, transportation or importation is made in accord-
24 ance with such regulations as the Secretary may prescribe to
25 assure that such poultry, or the unwholesome parts or prod-

1 ucts thereof, will be prevented from being used for human
2 food.

3 “(e) The authority conferred on the Secretary by para-
4 graph (b), (c), or (d) of this section with respect to per-
5 sons engaged in the specified kinds of business in or for
6 commerce may be exercised with respect to persons engaged,
7 in any State or organized territory, in such kinds of business
8 but not in or for commerce, whenever the Secretary deter-
9 mines, after consultation with an appropriate advisory com-
10 mittee provided for in section 5 of this Act, that the State or
11 territory does not have at least equal authority under its
12 laws or such authority is not exercised in a manner to effec-
13 tuate the purposes of this Act, including the State or territory
14 providing for the Secretary or his representative being af-
15 forded access to such places of business and the facilities,
16 inventories, and records thereof, and the taking of reasonable
17 samples, where he determines necessary in carrying out his
18 responsibilities under this Act; and in such case the pro-
19 visions of paragraph (b), (c), or (d) of this section, re-
20 spectively, shall apply to such persons to the same extent and
21 in the same manner as if they were engaged in such busi-
22 ness in or for commerce and the transactions involved were
23 in commerce.”

24 SEC. 12. Section 12 of said Act (21 U.S.C. 461) is
25 hereby amended as follows:

1 (a) Paragraph (a) is amended by changing the first
2 sentence to read:

3 “Any person who violates the provisions of section 9,
4 10, 11, 14, or 17 of this Act shall be fined not more than
5 \$1,000 or imprisoned not more than one year, or both;
6 but if such violation involves intent to defraud, or any dis-
7 tribution or attempted distribution of an article that is adulter-
8 ated (except as defined in section 4 (g) (8) of this Act),
9 such person shall be fined not more than \$10,000 or impris-
10 oned not more than three years, or both.”

11 (b) Paragraph (b) is amended by deleting the phrase
12 “not otherwise eligible” and substituting the phrase “other-
13 wise not eligible”; by deleting the word “slaughtered” each
14 time it appears; and by adding the following before the
15 period at the end of the paragraph: “or unless the carrier
16 refuses to furnish on request of a representative of the Secre-
17 tary the name and address of the person from whom he re-
18 ceived such poultry or poultry products, and copies of all
19 documents, if any there be, pertaining to the delivery of
20 the poultry or poultry products to such carrier”.

21 (c) A new paragraph (c) is added to read:

22 “(c) Any person who forcibly assaults, resists, opposes,
23 impedes, intimidates, or interferes with any person while
24 engaged in or on account of the performance of his official
25 duties under this Act shall be fined not more than \$5,000

1 or imprisoned not more than three years, or both. Who-
2 ever, in the commission of any such acts, uses a deadly or
3 dangerous weapon, shall be fined not more than \$10,000
4 or imprisoned not more than ten years, or both. Whoever
5 kills any person while engaged in or on account of the per-
6 formance of his official duties under this Act shall be punished
7 as provided under sections 1111 and 1114 of title 18,
8 United States Code.”

9 SEC. 13. Section 14 of said Act (21 U.S.C. 463) is
10 hereby amended by designating the present provisions thereof
11 as paragraph (b) ; by inserting the word “other” before the
12 word “rules” in said paragraph; and by adding a new para-
13 graph (a) to read:

14 “(a) The Secretary may by regulations prescribe con-
15 ditions under which poultry products capable of use as human
16 food, shall be stored or otherwise handled by any person en-
17 gaged in the business of buying, selling, freezing, storing, or
18 transporting, in or for commerce, or importing, such articles,
19 whenever the Secretary deems such action necessary to as-
20 sure that such articles will not be adulterated or misbranded
21 when delivered to the consumer. Violation of any such regu-
22 lation is prohibited. However, such regulations shall not
23 apply to the storage or handling of such articles at any retail
24 store or other establishment in any State or organized Terri-
25 tory that would be subject to this section only because of pur-

1 chases in commerce, if the storage and handling of such
2 articles at such establishment is regulated under the laws of
3 the State or Territory in which such establishment is located,
4 in a manner which the Secretary, after consultation with the
5 appropriate advisory committee provided for in section 5 of
6 this Act, determines is adequate to effectuate the purposes of
7 this section.”

8 SEC. 14. Section 15 of said Act (21 U.S.C. 464) is
9 hereby amended as follows:

10 (a) In paragraph (a), subparagraph (1) is deleted
11 and subparagraphs (2), (3), and (4) are redesignated,
12 respectively, as subparagraphs (1), (2), and (3) ;

13 (b) In paragraph (a), in redesignated subparagraph
14 (2) (formerly (3)), the date “July 1, 1960” is deleted and
15 the date “January 1, 1970” is substituted therefor ;

16 (c) Paragraph (b) is redesignated as paragraph (e)
17 and new paragraphs (b), (c), and (d) are added to read:

18 “(b) The Secretary may, under such sanitary conditions
19 as he may by regulations prescribe, exempt from the inspec-
20 tion requirements of this Act the slaughter of poultry, and
21 the processing of poultry products, by any person in any
22 Territory not organized with a legislative body, solely for
23 distribution within such Territory, when the Secretary deter-
24 mines that it is impracticable to provide such inspection with-
25 in the limits of funds appropriated for administration of this

1 Act and that such exemption will aid in the effective adminis-
2 tration of this Act.

3 “(c) (1) The provisions of this Act shall not apply to
4 (i) poultry producers with respect to poultry of their own
5 raising on their own farms: *Provided*, That the wholesale
6 dressed value of such poultry which they slaughter on said
7 farms does not exceed \$15,000 during the current calendar
8 year: *Provided further*, That such poultry producers do not
9 engage in buying or selling poultry products other than those
10 produced from poultry raised on their own farms: *Provided*
11 *further*, That none of such poultry moves in commerce (as
12 defined in section 4 (a) of this Act) : *Provided further*, That
13 such producers do not engage in selling dressed poultry or
14 poultry products which are not sound, healthful, clean, and
15 otherwise fit for human food; nor (ii) to any person who
16 slaughters, processes, or sells poultry the wholesale dressed
17 value of which does not exceed \$15,000 during the current
18 calendar year: *Provided*, That none of such poultry moves in
19 commerce (as defined in section 4 (a) of this Act) : *Pro-*
20 *vided further*, That such persons do not engage in selling
21 dressed poultry or poultry products which are not sound,
22 healthful, clean, and otherwise fit for human food; nor (iii)
23 to the slaughtering by any person of poultry of his own rais-
24 ing, and the processing by him and transportation in com-
25 merce of the poultry products exclusively for use by him and

1 members of his household and his nonpaying guests and em-
2 ployees; nor (iv) to the custom slaughter by any person of
3 poultry delivered by the owner thereof for such slaughter,
4 and the processing by such slaughterer and transportation in
5 commerce of the poultry products exclusively for use, in the
6 household of such owner, by him and members of his house-
7 hold and his nonpaying guests and employees: *Provided*,
8 That such custom slaughterer does not engage in the business
9 of buying or selling any poultry products capable of use as
10 human food.

11 “ (2) In addition to the specific exemptions provided herein
12 the Secretary shall, when he determines that the protection of
13 consumers from adulterated or misbranded poultry products
14 will not be impaired by such action, provide by regulation for
15 further exempting the operation and products of small enter-
16 prises (including poultry producers) engaged in slaughter-
17 ing and/or cutting up poultry for distribution as carcasses or
18 parts thereof, which are subject to the provisions of this
19 Act only under section 5 (c) from such provisions of this Act
20 as he deems appropriate, while still protecting the public from
21 adulterated or misbranded products, under such conditions,
22 including sanitary requirements, as he shall prescribe to effec-
23 tuate the purposes of this Act: *Provided*, That any such fur-
24 ther exemption may be revoked by the Secretary with respect
25 to any establishment if he determines that the operations of an

1 establishment under the exemption have resulted or will result
2 in the distribution of adulterated or misbranded poultry
3 products or that the operator of the establishment has failed
4 to comply with the conditions of exemption.

5 “(d) The adulteration and misbranding provisions of
6 this Act, other than the requirement of the inspection legend,
7 shall apply to articles which are exempted from inspection
8 or not required to be inspected under this section, except
9 as otherwise specified under paragraphs (a) and (c).”

10 SEC. 15. Section 16 of said Act (21 U.S.C. 465) is
11 hereby amended to read:

12 “SEC. 16. The Secretary may limit the entry of poultry
13 products and other materials into any official establishment,
14 under such conditions as he may prescribe to assure that
15 allowing the entry of such articles into such inspected estab-
16 lishments will be consistent with the purposes of this Act.”

17 SEC. 16. Section 18 of said Act (21 U.S.C. 467) is
18 hereby amended to read:

19 “SEC. 18. (a) The Secretary may (for such period, or
20 indefinitely, as he deems necessary to effectuate the purposes
21 of this Act) refuse to provide, or withdraw, inspection service
22 under this Act with respect to any establishment if he de-
23 termines, after opportunity for a hearing is accorded to the
24 applicant for, or recipient of, such service, that such ap-

1 plicant or recipient is unfit to engage in any business re-
2 quiring inspection under this Act because the applicant or
3 recipient or anyone responsibly connected with the applicant
4 or recipient, has been convicted, in any Federal or State
5 court, within the previous ten years of (1) any felony or
6 more than one misdemeanor under any law based upon the
7 acquiring, handling, or distributing of adulterated, mislabeled,
8 or deceptively packaged food or fraud in connection with
9 transactions in food; or (2) any felony, involving fraud,
10 bribery, extortion, or any other act or circumstance indicating
11 a lack of the integrity needed for the conduct of operations
12 affecting the public health. For the purpose of this paragraph
13 a person shall be deemed to be responsibly connected with
14 the business if he was a partner, officer, director, holder, or
15 owner of 10 per centum or more of its voting stock or
16 employee in a managerial or executive capacity.

17 “(b) Upon the withdrawal of inspection service from
18 any official establishment for failure to destroy condemned
19 poultry products as required under section 6 of this Act, or
20 other failure of an official establishment to comply with the
21 requirements as to premises, facilities, or equipment, or the
22 operation thereof, as provided in section 7 of this Act, or the
23 refusal of inspection service to any applicant therefor be-
24 cause of failure to comply with any requirements under
25 section 7, the applicant for, or recipient of, the service shall,

1 upon request, be afforded opportunity for a hearing with
2 respect to the merits or validity of such action; but such
3 withdrawal or refusal shall continue in effect unless other-
4 wise ordered by the Secretary.

5 “(c) The determination and order of the Secretary
6 when made after opportunity for hearing, with respect to
7 withdrawal or refusal of inspection service under this Act
8 shall be final and conclusive unless the affected applicant for,
9 or recipient of, inspection service files application for judicial
10 review within thirty days after the effective date of such
11 order in the United States Court of Appeals as provided in
12 section 8 of this Act. Judicial review of any such order
13 shall be upon the record upon which the determination and
14 order are based. The provisions of section 204 of the
15 Packers and Stockyards Act of 1921, as amended, shall be
16 applicable to appeals taken under this section.”

17 SEC. 17. Sections 19 through 22 of said Act (21 U.S.C.
18 468, 469, 451 note) are hereby redesignated as sections 25,
19 26, 28, and 29, respectively, and new sections 19, 20, 21,
20 22, 23, 24, and 27 are added to the Act to read, respectively:

21 “SEC. 19. Whenever any poultry product, or any prod-
22 uct exempted from the definition of a poultry product, or any
23 dead, dying, disabled, or diseased poultry is found by any
24 authorized representative of the Secretary upon any premises
25 where it is held for purposes of, or during or after distribution

1 in, commerce or otherwise subject to this Act, and there is
2 reason to believe that any such article is adulterated or mis-
3 branded and is capable of use as human food, or that it has
4 not been inspected, in violation of the provisions of this Act
5 or of any other Federal law or the laws of any State or
6 Territory, or the District of Columbia, or that it has been
7 or is intended to be, distributed in violation of any such
8 provisions, it may be detained by such representative for a
9 period not to exceed twenty days, pending action under
10 section 20 of this Act or notification of any Federal, State,
11 or other governmental authorities having jurisdiction over
12 such article or poultry, and shall not be moved by any person,
13 from the place at which it is located when so detained, until
14 released by such representative. All official marks may be
15 required by such representative to be removed from such
16 article or poultry before it is released unless it appears to
17 the satisfaction of the Secretary that the article or poultry is
18 eligible to retain such marks.

19 "SEC. 20. (a) Any poultry product, or any dead,
20 dying, disabled, or diseased poultry, that is being transported
21 in commerce or otherwise subject to this Act, or is held
22 for sale in the United States after such transportation, and
23 that (1) is or has been processed, sold, transported, or
24 otherwise distributed or offered or received for distribution
25 in violation of this Act, or (2) is capable of use as human

1 food and is adulterated or misbranded, or (3) in any other
2 way is in violation of this Act, shall be liable to be proceeded
3 against and seized and condemned, at any time, on a libel
4 of information in any United States district court or other
5 proper court as provided in section 21 of this Act within the
6 jurisdiction of which the article or poultry is found. If the
7 article or poultry is condemned it shall, after entry of the
8 decree, be disposed of by destruction or sale as the court
9 may direct and the proceeds, if sold, less the court costs and
10 fees, and storage and other proper expenses, shall be paid
11 into the Treasury of the United States, but the article or
12 poultry shall not be sold contrary to the provisions of this
13 Act, or the laws of the jurisdiction in which it is sold:
14 *Provided*, That upon the execution and delivery of a good
15 and sufficient bond conditioned that the article or poultry
16 shall not be sold or otherwise disposed of contrary to the
17 provisions of this Act, or the laws of the jurisdiction in which
18 disposal is made, the court may direct that such article or
19 poultry be delivered to the owner thereof subject to such
20 supervision by authorized representatives of the Secretary as
21 is necessary to insure compliance with the applicable laws.
22 When a decree of condemnation is entered against the article
23 or poultry and it is released under bond, or destroyed, court
24 costs and fees, and storage and other proper expenses shall
25 be awarded against the person, if any, intervening as claimant

1 of the article or poultry. The proceedings in such libel cases
2 shall conform, as nearly as may be, to the proceedings in
3 admiralty, except that either party may demand trial by
4 jury of any issue of fact joined in any case, and all such
5 proceedings shall be at the suit of and in the name of the
6 United States.

7 “(b) The provisions of this section shall in no way
8 derogate from authority for condemnation or seizure con-
9 ferred by other provisions of this Act, or other laws.

10 “SEC. 21. The United States district courts, the District
11 Court of Guam, the District Court of the Virgin Islands, the
12 highest court of American Samoa, and the United States
13 courts of the other territories, are vested with jurisdiction
14 specifically to enforce, and to prevent and restrain violations
15 of, this Act, and shall have jurisdiction in all other kinds of
16 cases arising under this Act, except as provided in section
17 8 (d) or 18 of this Act. All proceedings for the enforcement
18 or to restrain violations of this Act shall be by and in the
19 name of the United States. Subpenas for witnesses who are
20 required to attend a court of the United States, in any district,
21 may run into any other district in any such proceeding.

22 “SEC. 22. For the efficient administration and enforce-
23 ment of this Act, the provisions (including penalties) of
24 sections 6, 8, 9, and 10 of the Federal Trade Commission
25 Act, as amended (38 Stat. 721-723, as amended; 15 U.S.C.

1 46, 48, 49, and 50) (except paragraphs (c) through (h)
2 of section 6 and the last paragraph of section 9), and the
3 provisions of subsection 409 (1) of the Communications Act
4 of 1934 (48 Stat. 1096, as amended; 47 U.S.C. 409 (1)),
5 are made applicable to the jurisdiction, powers, and duties
6 of the Secretary in administering and enforcing the provi-
7 sions of this Act and to any person with respect to whom
8 such authority is exercised. The Secretary, in person or by
9 such agents as he may designate, may prosecute any inquiry
10 necessary to his duties under this Act in any part of the
11 United States, and the powers conferred by said sections 9
12 and 10 of the Federal Trade Commission Act as amended
13 on the district courts of the United States may be exercised
14 for the purposes of this Act by any court designated in section
15 21 of this Act.

16 “SEC. 23. Requirements within the scope of this Act
17 with respect to premises, facilities and operations of any
18 official establishment, which are in addition to, or different
19 than those made under this Act may not be imposed by any
20 State or Territory or the District of Columbia, except that
21 any such jurisdiction may impose recordkeeping and other
22 requirements within the scope of paragraph (b) of section
23 11 of this Act, if consistent therewith, with respect to any
24 such establishment. Marking, labeling, packaging, or ingredi-
25 ent requirements in addition to, or different than, those made

1 under this Act may not be imposed by any State or Territory
2 or the District of Columbia with respect to articles prepared
3 at any official establishment in accordance with the require-
4 ments under this Act, but any State or Territory or the Dis-
5 trict of Columbia may, consistent with the requirements
6 under this Act, exercise concurrent jurisdiction with the
7 Secretary over articles required to be inspected under this
8 Act, for the purpose of preventing the distribution for human
9 food purposes of any such articles which are adulterated or
10 misbranded and are outside of such an establishment, or, in
11 the case of imported articles which are not at such an estab-
12 lishment, after their entry into the United States. This Act
13 shall not preclude any State or Territory or the District of
14 Columbia from making requirement or taking other action,
15 consistent with this Act, with respect to any other matters
16 regulated under this Act.

17 “SEC. 24. (a) Poultry and poultry products shall be
18 exempt from the provisions of the Federal Food, Drug, and
19 Cosmetic Act to the extent of the application or extension
20 thereto of the provisions of this Act, except that the pro-
21 visions of this Act shall not derogate from any authority
22 conferred by the Federal Food, Drug, and Cosmetic Act
23 prior to enactment of the Wholesome Poultry Products Act.

24 “(b) The detainer authority conferred by section 19 of
25 this Act shall apply to any authorized representative of the

1 Secretary of Health, Education, and Welfare for purposes
2 of the enforcement of the Federal Food, Drug, and Cosmetic
3 Act with respect to any poultry carcass, or part or product
4 thereof, that is outside any official establishment, and for
5 such purposes the first reference to the Secretary in section
6 19 shall be deemed to refer to the Secretary of Health,
7 Education, and Welfare.

8 "SEC. 27. The Secretary shall annually report to the
9 Committee on Agriculture of the House of Representatives
10 and the Committee on Agriculture and Forestry of the Senate
11 with respect to the slaughter of poultry subject to this Act,
12 and the preparation, storage, handling, and distribution of
13 poultry parts, poultry products, and inspection of establish-
14 ments operated in connection therewith, including the oper-
15 ations under and the effectiveness of this Act."

16 SEC. 18. The heading "**Designation**" preceding sec-
17 tion 5 of said Act is hereby amended to read "**Federal**
18 **and State cooperation**"; the heading "**Labeling**" preceding
19 section 8 of said Act is hereby amended to read "**Labeling**
20 **and containers; standards**"; the heading "**Records of**
21 **interstate shipment**" preceding section 11 of said Act is
22 hereby amended to read "**Articles not intended for human**
23 **food; record and related requirements for processors of**
24 **poultry products and related industries engaged in com-**
25 **merce; registration requirements for related industries en-**

1 gaged in commerce; regulation of transactions in com-
2 merce in dead, dying, disabled, or diseased poultry and
3 carcasses thereof; authority to regulate comparable intra-
4 state activities”; and the heading “Violations by exempted
5 persons” preceding section 16 of said Act is hereby amended
6 to read “Entry of materials into official establishments.”

7 SEC. 19. If any provisions of this Act or of the amend-
8 ments made hereby or the application thereof to any person
9 or circumstances is held invalid, the validity of the remainder
10 of the Act and the remaining amendments and of the appli-
11 cation of such provision to other persons and circumstances
12 shall not be affected thereby.

13 SEC. 20. This Act shall become effective upon enact-
14 ment except as provided in paragraphs (a) through (c) :

15 (a) The provisions of subparagraphs (a) (2) (A) and
16 (a) (3) of section 9 of the Poultry Products Inspection Act
17 and the provisions of section 17 of said Act, as amended by
18 sections 9 and 16 of this Act, shall become effective upon the
19 expiration of sixty days after enactment hereof.

20 (b) Section 14 of this Act, amending section 15 of the
21 Poultry Products Inspection Act, shall become effective upon
22 the expiration of sixty days after enactment hereof.

23 (c) Paragraph 11 (d) of the Poultry Products Inspec-

1 tion Act, as added by section 11 of this Act, shall become
2 effective upon the expiration of sixty days after enactment
3 hereof.

Passed the House of Representatives June 13, 1968.

Attest:

W. PAT JENNINGS,

Clerk.

AN ACT

To clarify and otherwise amend the Poultry Products Inspection Act, to provide for co-operation with appropriate State agencies with respect to State poultry products inspection programs, and for other purposes.

JUNE 17, 1968

Read twice and referred to the Committee on
Agriculture and Forestry

INDEX of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C. 20250
OFFICIAL BUSINESS

POSTAGE AND FEES PAID
U. S. DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

Issued July 18, 1968
For actions of July 17, 1968
90th-2nd; No. 123

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HIGHLIGHTS: Senate committee reported school lunch bill. Senate passed vocational education bill with school lunch program amendment. Senate committee voted to report poultry inspection bill. Senate committee reported measure to establish hunger commission. House committee voted to report wilderness bills. Sen. Morse introduced and discussed wheat bill.

SENATE

1. VOCATIONAL EDUCATION. Passed, 88-0, with amendments H. R. 18366, to amend the Vocational Education Act of 1963 (pp. S8799-816, S 8818-29, S8840). Agreed to, 85-0, an amendment by Sen. Javits, modified by agreement to an amendment by Sen. Ellender (pp. S8822-3), to authorize \$50 million for each of fiscal years 1969 and 1970 for school lunch and breakfast programs (pp. S8812-24). Conferees were appointed (p. S8828). S. 3770, a similar bill was indefinitely postponed (p. S8840).

2. APPROPRIATIONS. The Appropriations Committee reported with amendments H. R. 18188, the Transportation Department appropriation bill (S. Rept. 1415). p. S8737
Agreed to conference report on H. R. 18038, the legislative branch appropriation bill (pp. S8830-33). This bill will now be sent to the President.
Began consideration of H. R. 17023, the independent offices and HUD appropriation bill. pp. S8754, S8830, S8836-7
3. HUNGER. The Labor and Public Welfare Committee reported with amendments S. Res. 281, to establish a Select Committee on Nutrition and Human Needs (S. Rept. 1416). p. S8737
4. WILDLIFE. The Commerce Committee reported with amendment H. R. 25, to authorize the Secretary of the Interior, in cooperation with the States, to conduct an inventory and study of the Nation's estuaries and their natural resources (S. Rept. 1419). p. S8737
5. SCHOOL LUNCH. The Agriculture and Forestry Committee reported an original bill S. 3848, "to amend the National School Lunch Act" (S. Rept. 1428). p. S8738
6. HEALTH; SAFETY. The Commerce Committee reported with amendments H. R. 10790, to amend the Public Health Service Act to provide for the protection of the public health from radiation emissions from electronic products (S. Rept. 1432). This bill was referred to the Labor and Public Welfare Committee with instructions that it be reported back to the Senate by July 25. p. S8738
7. PUBLIC LANDS. Passed as reported S. 3578, to direct the Secretary of Agriculture to release, with respect to 72 acres, a condition in a conveyance to the South Carolina State Commission of Forestry requiring the lands to be used for public purposes. pp. S8742-43
8. OCEANOGRAPHY. The Labor and Public Welfare Committee was granted until the close of business Thurs., July 18, to report H. R. 13781, the sea-grant college proposal. p. S8754
9. REDWOOD NATIONAL PARK. Conferees were appointed on S. 2515, to authorize the establishment of the Redwood National Park, Calif. (pp. S8816-7). House conferees have not been appointed.
10. TECHNICAL SERVICES. Concurred in House amendment to S. 3245, to extend for an additional 3 years the authorization of appropriations under the State Technical Services Act of 1965 to make the 1969 authorization \$6.6 million (p. S8830). This bill will now be sent to the President.
11. POULTRY. The Agriculture and Forestry Committee voted to report (but did not actually report) with amendments H. R. 16363, to authorize a more adequate program of poultry inspection in the U. S. p. D695

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basis for development and that there is "deep gratitude for our programs of economic assistance" such as the Peace Corps, Public Law 480, and the Export-Import Bank. pp. H7349-51

13. FEDERAL AID. Rep. Reinecke spoke in support of his bill to create a catalog of Federal assistance programs. p. H7353
14. FOREIGN AFFAIRS. Rep. White spoke in support of his bill to establish the U. S. Section of the United States-Mexico Commission for Border Development and Friendship. p. H7354

SENATE

15. POULTRY. The Agriculture and Forestry Committee reported with amendment S. 2932, to clarify and otherwise amend the Poultry Inspection Act, to provide for cooperation with appropriate State agencies with respect to State poultry products inspection programs (S. Rept. 1449). p. S9191
16. COTTON. Tabled the motion to reconsider the vote by which H. R. 10915, the extra-long staple cotton bill, was passed on Mon. p. S9190
17. GRAINS. Conferees were appointed on H. R. 15794, to provide for U. S. standards and a national inspection system for grain (p. S9235). House conferees have been appointed.
18. APPROPRIATIONS. Passed, 82-2, with amendments H. R. 18188, the Transportation Department appropriation bill (pp. S9226-48). Agreed to committee amendments en bloc, which were considered as original text for the purpose of further amendment (pp. S9230-31). A committee amendment would "strike section 204, as carried in the House bill, which would set an obligation limitation of \$26 million on forest highways." Senate conferees were appointed (p. S9247). House conferees have not been appointed.
A subcommittee of the Appropriations Committee approved for full committee consideration H. R. 17522, the State, Justice, and Commerce, the judiciary, and certain related agencies appropriation bill. p. D724
19. LOANS. A subcommittee of the Agriculture and Forestry Committee voted to pass over S. 1971, authorizing loans to cooperatives which furnish services to farmers and rural residents. p. D724
20. TRANSPORTATION. The Commerce Committee voted to report (but did not actually report) without amendment H. R. 159, to establish a Federal Maritime Administration as an independent agency. p. D724
21. OCEANOGRAPHY; FOOD. The Commerce Committee voted to report (but did not actually report) without amendment S. Con. Res. 72, expressing congressional approval of U. S. participation in an International Decade of Ocean Exploration during the 1970's. p. D724

Sen. Clark inserted an article, "The Sea: A Solution to Famine," in which the author concludes, "It is clear that the vast and rolling sea presents one vital answer to world survival." pp. S9204-6

22. RECREATION. The Commerce Committee voted to report (but did not actually report) without amendment H. R. 11026, to assist in development and improvement of recreational opportunities and fish and wildlife programs at reservations. p. D724
23. FISHERIES. The Commerce Committee voted to report (but did not actually report) without amendment S. 3866, to extend for 3 years the Commercial Fisheries Research and Development Act. p. D724
24. PERSONNEL. The Post Office and Civil Service Committee voted to report (but did not actually report) with amendments H. R. 15387, providing for disciplinary action against postal service employees who assault other such employees in performance of official duties. The "Daily Digest" states, "One amendment to the bill would exempt from the employment ceiling postal field service employees and research and engineering employees, with certain exceptions." In reporting on this bill, the Civil Service Commission (with Budget Bureau clearance) recommended that the assault statute be broadened to apply to all Federal employees, including those of the Department of Agriculture. pp. D724-5
25. FARM PROGRAM. Sen. Metcalf inserted Vice President Humphrey's farm policy statement in which he said, "I am ready and willing to take the case for agriculture to the American people--not as a special interest, but as a national interest." pp. S9194-5
26. HIGHWAYS. Sen. Yarborough opposed the House-passed version of the highway authorization bill, which would take from the Secretary of Transportation his authority to protect parklands and historical sites. p. S9214
27. POLLUTION. Concurred in House amendment to S. 1941, to prevent, abate, and control air pollution in D. C. (pp. S9223-26). This bill will now be sent to the President.
28. POVERTY. Sen. Prouty inserted the questionnaire used in a social survey of poverty areas in D. C. pp. S9248-52

EXTENSION OF REMARKS

29. REORGANIZATION. Rep. Rumsfeld spoke on some of the suggestions of the Joint Committee on the Organization of Congress, and Rep. Curtis inserted an article on this subject. pp. E6794-7, E6803-5
30. POSTAL SERVICE. Sen. Fannin inserted an article criticizing the administration's proposed cutback in the postal service. pp. E6797-8

WHOLESOME POULTRY PRODUCTS ACT

JULY 23, 1968.—Ordered to be printed

Mr. JORDAN of North Carolina, from the Committee on Agriculture and Forestry, submitted the following

REPORT

together with

MINORITY VIEWS

[To accompany S. 2932]

The Committee on Agriculture and Forestry, to which was referred the bill (S. 2932) to clarify and otherwise amend the Poultry Products Inspection Act, to provide for cooperation with appropriate State agencies with respect to State poultry products inspection programs, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

SHORT EXPLANATION

This bill would amend the Poultry Products Inspection Act to—

(1) Authorize Federal assistance (including grants) to State poultry inspection programs, such assistance not to exceed 50 percent of the cost of the cooperative program;

(2) Extend Federal inspection to intrastate transactions in States which fail to develop adequate State systems in 2 years (or 3 years if at the end of 2 years it appears that the State will develop an adequate system);

(3) Provide immediate authority to extend Federal inspection to intrastate plants producing adulterated products which endanger the public where the State does not remove such danger;

(4) Prohibit commerce in poultry products not intended for human use, unless denatured;

(5) Extend the present recordkeeping provision to additional persons (including those dealing in dead, dying, disabled, or

diseased poultry) and enlarge it to cover facility and inventory examination;

(6) Provide for registration of certain persons dealing in poultry (including those dealing in dead, dying, disabled, or diseased poultry);

(7) Provide for regulation of dealers in dead, dying, disabled, or diseased poultry;

(8) Authorize regulation of poultry product storage and handling;

(9) Modify exemptions;

(10) Provide for withdrawal of service, detention, seizure and condemnation, injunction, and investigation as new enforcement tools; and

(11) Otherwise revise the Poultry Products Inspection Act.

COMMITTEE DELIBERATIONS

The Subcommittee on Agricultural Research and General Legislation held hearings on July 1 and 2, 1968, on poultry inspection bills, S. 2846, S. 2932, S. 3383 (title I), and H.R. 16363.

All witnesses except one testified in favor of updating the act, although a number of amendments were proposed. Subsequently the subcommittee met, and recommended several amendments to the full committee. On July 17 the full committee met, accepted a number of amendments, and ordered S. 2932 reported as amended.

One of the bills considered by the committee to amend the Poultry Products Inspection Act contains a section (which is not included in the approved bill) authorizing the Secretary of Agriculture, after investigation, to establish sanitation and health standards with respect to the handling, storage, and use of feed grains, and would require that, after these standards have been established, no one could thereafter ship, sell, offer to sell, or transport any feed grain unless the feed grain had been inspected and passed by an inspector. The basis for requesting this authority was an erroneous belief that feed grains are an important source of salmonella contamination.

The testimony of a number of witnesses indicates that problems involving salmonella continue to be the subject of active research by the Departments of Agriculture and of Health, Education, and Welfare, and that such results from this and other research as are now available, indicate that feed grains are not an important source of salmonella contamination. The testimony before the subcommittee indicated that the Food and Drug Administration has taken such steps as are now justified by research and experience to eliminate, to the extent any problems exist, salmonella contamination from animal feeds.

BACKGROUND

The present Poultry Products Inspection Act, though it has come to be recognized as a model for the world since its enactment 11 years ago, does not provide complete assurance that all consumers will have access to wholesome poultry. The 1957 act established a Federal inspection system for poultry and poultry products processed by plants shipping in interstate and foreign commerce. For the products covered, it has worked well because it assures that the birds or prod-

ucts bearing its mark are wholesome, unadulterated, and honestly labeled. For the poultry products not covered, inspection service, when provided, is often inadequate.

Instead of replacing the Poultry Products Inspection Act, S. 2932 amends it to authorize the establishment of a Federal-State cooperative inspection service for poultry products comparable to that provided under the Federal Meat Inspection Act, as amended in 1967. Through help in the development of trained staffs and the provision of funds by the Federal Government, the States are encouraged to enact and administer effective mandatory inspection programs under State administration or jointly with the Federal Government. Two years are allowed the States in which to implement such a system. If the Secretary has reason to believe a State will meet this requirement, an additional year will be given to complete the installation and employment of the system.

The bill extends Federal inspection and regulation to poultry processed for shipment within the States where the States do not enforce requirements at least equal to the Federal requirements after the specified times above.

Where poultry products processed solely for intrastate commerce endangered the public health, the Federal requirements could, under specified conditions, be applied at any time to those particular establishments.

Through such extension of the existing Poultry Products Inspection Act, the proposed Wholesome Poultry Products Act provides that the bulk of the 13 percent (some 1.6 billion pounds) of the poultry slaughtered each year in the United States without Federal inspection would soon be covered by requirements equal to the 87 percent now federally inspected.

In measures similar to those in title II of the Federal Meat Inspection Act, the bill would authorize surveillance of the activities where adulteration or misbranding could occur other than just the processing or slaughtering phases. The persons or firms subject to such supervision would include, among others in commerce, poultry products brokers, renderers, animal-food manufacturers, and dealers in dead, dying, disabled, or diseased poultry or parts of poultry that died other than by slaughter. Typical of these measures are ones which provide that:

1. Regulation of the storage and handling of poultry products in commerce is authorized.
2. Inspection provisions applicable to poultry and the denaturing or identifying positively those parts of carcasses or products unfit for human food or otherwise intended are clarified.
3. Recordkeeping sections in the bill extend to particularly named classes of persons in the business not only of processing poultry and the products but to renderers, handlers of dead, dying, disabled, or diseased (i.e., "4-D") birds, and to those selling, buying, transporting, storing, freezing, or packaging the same in commerce.
4. Registration with the Secretary of persons in the poultry, poultry parts, or poultry products businesses, whether transporting, storing, selling, or buying, is required.
5. The distribution of "4-D" birds, parts thereof, or their carcasses in commerce is regulated.

6. The inclusion of intrastate operations within these surveillance programs is possible when it is determined that the State does not have or does not exercise authority at least equal to that of the Federal Government over records, registrations, and distribution of "4-D" poultry, its parts or carcasses. This action could be taken only after consultation with appropriate State authorities.

7. Seizure and detainer of poultry in violation of the act is authorized, though it may be located outside of federally inspected premises.

One of the more serious dangers to the consumer has been in the labeling of poultry and the lack of proper labeling. This bill would provide for standards of fill for containers, for style and size of type on the labels, for containers which are not deceptive, and for labeling limitation by States. Opportunities to deceive the consuming public would be reduced through application of uniformity to the elements in labels.

Under the bill Federal inspection may be denied to persons who, because they have been convicted of (1) a felony or more than one misdemeanor based upon the handling of food or (2) any felony involving acts indicating lack of the integrity needed for operations affecting the public health, have proven their callous disregard for the public welfare. These convictions shall have been within the previous 10 years in any State or Federal court. Denial of such service by the Secretary is subject to administrative hearing and judicial review in like manner as such proceedings are treated under the Packers and Stockyards Act of 1921, as amended.

Protection of the Federal officers charged with enforcement of the law from personal assaults is afforded by portions of the bill.

Other changes in existing law have been made to coordinate the activities of the inspection forces of the Department of Agriculture with those of the personnel from the Food and Drug Administration of the Department of Health, Education, and Welfare for most effective use of their combined resources in protecting the consumer from unwholesome, adulterated, or misbranded poultry.

STATE POULTRY INSPECTION PROGRAMS

Fewer States have adopted mandatory product inspection laws which impose ante mortem and post mortem inspection than have acted to impose such inspection of meat. Of the following 12 States which have State laws, only four report active inspection programs:

California	Missouri
Delaware	New Jersey
Florida	New Mexico
Illinois	North Carolina
Indiana	Tennessee
Iowa	Wyoming

The four States which presently report active inspection programs are California, North Carolina, Illinois, and Wyoming. There has been some activity in the Iowa and New Jersey programs. Virginia and Wisconsin will have mandatory programs when they become effective next year. The programs in California, North Carolina, and Illinois are under veterinary technical supervision but the extent of coverage is not the same as that provided under Federal inspection. While

the inspection programs for these States provide for the inspection of each individual carcass, there is evidence that this provision is not always applied due to the limited amount of supervision and inspection personnel.

Some States have laws which provide for poultry inspection on a voluntary basis but available information indicates that the total number of plants using these voluntary inspection programs would probably be less than half a dozen. The States with voluntary programs are: Kansas, Pennsylvania, Mississippi, Oregon, and Oklahoma.

Most all States have sanitary inspection programs which are generally carried on under general sanitary laws or food and drug laws covering all food processing and food preparation establishments. The frequency and thoroughness of sanitary inspections depends upon the resources available for such inspections. These programs provide for sanitary inspection of facilities, equipment, and processes, and prohibit the adulteration and misbranding of products. The States having other types of laws such as general food and health laws, and so forth, are:

Alabama	Nebraska
Alaska	Nevada
Arizona	New Hampshire
Arkansas	New York
Colorado	North Dakota
Connecticut	Ohio
Georgia	Rhode Island
Hawaii	South Carolina
Idaho	South Dakota
Kentucky	Texas
Louisiana	Utah
Maine	Vermont
Maryland	Virginia
Massachusetts	Washington
Michigan	West Virginia
Minnesota	Wisconsin
Montana	

FEDERAL-STATE COOPERATION TO DATE

The Poultry Products Inspection Act was passed in 1957 but did not become fully effective until 1959. Prior to 1959 Federal poultry inspection programs were on a voluntary fee basis. Beginning about 1950 an interest developed on the part of some State departments of agriculture to engage in cooperative Federal-State ventures for providing poultry inspection on a voluntary basis and meetings were held with representatives of several States to develop such programs.

On April 3, 1952, the first cooperative agreement to provide Federal-State poultry inspection on a voluntary basis was signed with the Maine Department of Agriculture. The agreement was pursuant to the Agricultural Marketing Act of 1946 and provided service for six plants between 1952 and 1958. State officials billed the processing plants for the costs of the service and handled the hiring, payrolling, and assignment of inspectors. After the Inspection Act was passed, a new agreement was signed on May 19, 1958, to continue the cooperative arrangement in Maine pursuant to the new act. Funds to cover the costs of State-employed inspectors plus an overhead allowance to

cover the the State's administrative costs are provided by the Federal Government.

In 1956 a similar agreement was made with North Dakota to provide a Federal-State voluntary poultry inspection program for that State.

In addition to the two cooperative agreements now in effect, there has been informal cooperation with State inspection organizations in many instances. Department inspection personnel have helped train State inspectors in North Carolina, Georgia, Illinois, and California. Assistance has been given to interested States in drafting proposed legislation and regulations. In this connection, a suggested model State poultry inspection law has been developed for the use of State officials.

Close-working relationships exist between the Federal inspection service and poultry disease eradication authorities in both Federal and State departments of agriculture laboratories.

There is no present duplication of inspection functions of any consequence. Poultry plants that process for sale in interstate commerce must have Federal inspection, and plants that process solely for intrastate sale are not eligible for Federal inspection under existing law. In the four States having a mandatory inspection system in operation, their respective laws exempt processing plants that have Federal inspection from the provisions of the State law.

There appears to be a definite need to improve the State inspection programs. The approach followed by the committee is to establish a cooperative Federal-State system providing mandatory inspection. This will require poultry to be handled under the same high standards imposed on meat. The bill would place intrastate plants under supervision. A uniform application of standards of wholesomeness and sanitation could be imposed in every plant every day. No duplication between Federal and State operations should develop. At the same time, the States will retain their jurisdiction over intrastate commerce.

DIFFERENCES BETWEEN COMMITTEE AMENDMENT AND H.R. 16363 AS PASSED BY THE HOUSE OF REPRESENTATIVES

The committee amendment differs from H.R. 16363 in that it would—

(1) Omit the word "knowingly" from section 9(a). This will conform that section to the corresponding section of the Meat Inspection Act. This change does not affect carriers, since section 12(b) of the law absolves carriers "unless the carrier has knowledge, or is in possession of facts which would cause a reasonable person to believe" that the poultry was not eligible for transportation. The Department of Agriculture and other witnesses testified that use of the word "knowingly" would require too high a degree of proof of knowledge and make enforcement too difficult.

(2) Prohibit the Secretary from requiring any change in the official inspection legend. That legend is and would continue to be "inspected for wholesomeness." The Department has given some consideration to changing it to "inspected and passed for wholesomeness." Since the legend cannot be applied to products which are not passed, this change would not give the consumer any greater protection. The industry advises that any change in

the legend would require expensive changes in stamps, dies, and label designs.

(3) Omit requirements that labeling information be placed on both the carcass and the container in the case of nonconsumer packaged carcasses. Poultry carcasses cannot be stamped like red meat. Metal or plastic tags have been tried, but these present some danger to the consumer, if they are inadvertently ingested. Furthermore, since much of the poultry is cut up at the store or at other processors, there is no assurance that the label affixed to the carcass will appear in the final consumer package. Industry witnesses testified that the slight assurance that this requirement might give the consumer that the poultry had been inspected would not warrant the expense to the industry. The objective of assuring the consumer that the poultry has been federally inspected can better be achieved through appropriate regulations under section 14(a) of the act as it would be amended by the bill. Under the committee amendment the required information would have to be shown on the immediate container of nonconsumer packaged carcasses, but not on the carcasses themselves. The persons opening these containers and putting the contents in consumer packages would be in the best position to label the consumer packages.

(4) Provide interested parties with an opportunity to present their views orally with respect to proposed rule making under the Poultry Products Inspection Act. U.S.C. 553(c) now provides them with the opportunity to present written views. Judicial review is provided for by chapter 7 of title 5 of the United States Code.

(5)(A) Prohibit any State, territory, or the District of Columbia from imposing storage or handling regulations with respect to articles prepared at any official establishment which would act as trade barriers to interfere with the free flow of poultry products in interstate commerce, and

(B) Omit a limitation on the Secretary's authority to regulate storage and handling under section 13 of the bill (sec. 14 of the law) at retail stores and other establishments which make purchases in commerce.

(6) Amend the declaration of policy contained in section 3 of the bill (and of the law) to state the intent of Congress that all poultry which is injurious for human consumption shall be condemned, and to state that the reason for condemnation must be supported by substantial scientific fact.

(7) Permit poultry products and meat and meat products which have been processed under State inspection to move in interstate commerce, where the Secretary has determined that the State inspection system is equal to or better than the Federal system. Insofar as poultry products are concerned, the Senate action on this point preserves section 5(c)(5) of the act, as it would be amended by the bill proposed by the Department and introduced as S. 2932 at the Department's request. This provision was stricken from the House bill against the advice of the Department given by Assistant Secretary Mehren in the following colloquy from page 29 of the hearings before the House Committee on Agriculture.

Mr. FOLEY. Referring now to page 3. The second amendment recommended by Mr. Smith is to strike the proposed authority granted in section 5(c)5. Mr. Smith noted in his testimony that this provision resulted from a recommendation made by some State directors of agriculture. Do you have any knowledge as to whether that is, in fact, the case?

Dr. MEHREN. I have no knowledge that this was suggested by the State secretaries of agriculture, and the Department would support the retention of this provision. In saying this, I would note that these provisions require efficient supervision of facilities, operations, processes, training, technical services at least equal to those under the Federal program, if Federal-State marking were to be used. Again, there is no possibility under the present wording, in my judgment, Mr. Foley, to have uninspected or poultry inspected at levels lower than those prevailing in the Federal Government to become involved in interstate commerce.

Clearly, the same rule should be made applicable to red meat. If the Secretary determines that red meat inspected in any State is perfectly safe for the people of that State to eat because the State inspection system is in all ways equal to, or better than, the Federal system, that meat must be safe for people in other States to eat; and it should be permitted to cross the State line. Subsequent to the Department's proposal with respect to poultry, the board of directors of the National Association of State Departments of Agriculture approved the following resolution:

The board of directors of the National Association of State Departments of Agriculture today unanimously approved the following resolution:

Whereas the Congress of the United States on December 6, 1967, passed Public Law 90-201, commonly known as the Wholesome Meat Act, and said act was signed by the President on December 15, 1967, and

Whereas Congress did find as fact in said act that "meat and meat food products are an important source of the Nation's total supply of food. They are consumed throughout the Nation * * *" and "it is essential in the public interest that the health and welfare of consumers be protected by assuring that meat and meat food products distributed to them are wholesome, not adulterated, and properly marked, labeled and packaged," and

Whereas the National Association of State Departments of Agriculture fully concurs with the foregoing findings of fact, and

Whereas the National Association of State Departments of Agriculture demonstrated by actions taken by the National Association of State Departments of Agriculture during previous years does concur with the Congress, and President of the United States, that the proper inspection of meat and meat food products is essential in order to protect the health of the Nation's people, and

Whereas we do further concur with the intent and purposes of the Wholesome Meat Act and do hereby pledge our talent,

the influence of our offices, and our services to the task of properly carrying out the intent and purposes of the act, which is to protect the health and welfare of the Nation's people and

Whereas we believe that State inspection programs that impose requirements equal to those imposed by the Wholesome Meat Act should be enacted and administered in all States, and

Whereas Congress did recognize that equal and responsible participation by the States would materially contribute to the effective and efficient implementation and administration of the act, and

Whereas Congress having found that such participation by the States was highly desirable, did provide the Secretary of Agriculture with authority to cooperate with any State which has enacted, and is administering, a State inspection law that imposes mandatory ante mortem and post mortem inspection, reinspection, and sanitation requirements that are at least equal to those imposed under title I of the Wholesome Meat Act, and

Whereas Congress, in order to encourage the development of excellent State meat inspection programs, provided that the Secretary could contribute an amount not exceeding 50 per centum of the total cost of the State programs to the States, and

Whereas States administering such programs will be assuring the Nation's consumers that meat bearing its official inspection label is as wholesome and as free from disease or adulteration as any meat or meat food products available anywhere in the Nation, and

Whereas the State by implementing and sharing the cost of such programs will be assuming a role of equal financial responsibility with the Federal Government in implementing this important program, and

Whereas such programs administered by the States will at all times be subject to the constant review of the U.S. Department of Agriculture and to a far greater extent than foreign plants, importing meat and meat products under the provisions of this act, and

Whereas boners and cutters, and other processors, are now, for the first time, covered by the provisions of a Federal meat inspection law, and

Whereas boners and cutters and other processors do now constitute the major market for carcass meats, slaughtered in houses under both State and Federal supervision, and

Whereas section 5, title I (21 U.S.C. 73) and section 318.4 of the regulations of the U.S. Department of Agriculture do now prohibit meat which has not been slaughtered or processed under Federal inspection from entering establishments under Federal inspection, it is apparent that meat inspected by State inspectors of States having mandatory ante mortem, post mortem inspection, reinspection, and sanitation requirements that are equal to those provided for under title I of the Wholesome Meat Act will not be allowed to enter

boning and cutting, and other processors' establishments which will be under Federal supervision, pursuant to the expanded provisions of Public Law 90-201 and,

Whereas prohibiting carcasses, parts of carcasses, meat, and meat food products which have been inspected under the supervision of State inspection systems that are equal to the inspection and sanitation requirements of title I of the Wholesome Meat Act from entering into establishments under Federal supervision will have an immediate economic impact upon the packing and slaughtering industry that will be so adverse and severe that it threatens the immediate destruction of a large segment of the industry as well as total destruction of State inspection systems, neither of which was intended or foreseen by Congress, and

Whereas the foregoing facts and factors constitute a grave and immediate emergency which threatens an industry vital to the prosperity of the Nation and the health of her people,

Therefore the Board of Directors of the National Association of State Departments of Agriculture does hereby resolve:

That the Congress of the United States, as an emergency act, immediately pass a bill amending the Wholesome Meat Act, which will provide that all carcasses, parts of carcasses, meat and meat food products inspected at any establishment in any State having mandatory ante mortem and post mortem inspection, reinspection, and sanitation requirements that are at least equal to those required under title I of Public Law 90-201, and bearing the official inspection legend of that State, shall be deemed as a matter of law, as having fully met the requirements of title I of Public Law 90-201, and therefore entitled to be treated in every manner and jurisdiction as though it bore the official inspection legend of the U.S. Department of Agriculture, and

That the Secretary of Agriculture immediately instruct all his agents and employees that the rule prohibiting the entry of carcasses, parts of carcasses, meat, and meat food products not bearing the Federal inspection legend from entering plants under Federal inspection be waived until Congress has had an opportunity to express itself in this matter, and be it further

Resolved, That copies of this resolution be immediately forwarded to the President of the United States, the Vice President, the Speaker of the House, the Secretary of Agriculture, and Members of Congress.

STANLEY T. TRENHAILE,
*President of the National Association
of State Departments of Agriculture.*

The Secretary of Agriculture, in response to this resolution, advised that the Department posed no objection to an amendment which would allow State inspected meat to move interstate when State inspection was equal to Federal inspection. The Secretary's letter is as follows:

DEPARTMENT OF AGRICULTURE,
Washington, D.C., March 4, 1968.

HON. STANLEY T. TRENHAILE,
President, National Association of State Departments of Agriculture,
Boise, Idaho.

DEAR STAN: President Johnson has asked us to reply to your letter of February 6, 1968, concerning the resolution of the board of directors of the National Association of State Departments of Agriculture that was submitted to him.

We appreciated receiving your resolution on meat inspection and are always glad to have the benefit of the ideas and thoughts of the National Association of State Departments of Agriculture. We hope you will continue to contribute the results of your thinking to us.

Enclosed for your information is a copy of the meat inspection notice that provides for the temporary handling of State inspected products in federally inspected plants. This action should alleviate much of the problem until cooperative agreements can be accomplished between Federal and State programs.

The resolution also supported an amendment to the Wholesome Meat Act which would allow State inspected products to move interstate when the law's requirement of "at least equal to" Federal standards is met by the State program. The Department of Agriculture poses no objections to such an amendment.

The Wholesome Meat Act really has but one goal—to assure every American consumer that all of the meat they purchase is healthful and wholesome. I am confident we can accomplish that goal by working together within the framework laid down by the act.

Sincerely yours,

ORVILLE L. FREEMAN.

Senator Holland prepared an amendment to accomplish this objective, and the Department commented on his amendment as follows:

U.S. DEPARTMENT OF AGRICULTURE,
CONSUMER AND MARKETING SERVICE,
Washington, D.C., April 18, 1968.

HON. ALLEN J. ELLENDER,
Chairman, Committee on Agriculture and Forestry,
U.S. Senate.

DEAR MR. CHAIRMAN: Mr. Harker Stanton asked us to express the Department's views on Senator Holland's proposed amendment to S. 2932, "To clarify and otherwise amend the Poultry Products Inspection Act to provide for cooperation with appropriate State agencies with respect to State poultry products inspection programs, and for other purposes."

Mr. Holland's proposal would amend the Federal Meat Inspection Act to provide the basis for State inspected meats to move in interstate commerce when the State inspection system is equal to the Federal program.

We believe this proposal is a reasonable and logical approach to meaningful Federal-State accomplishments of the responsibility to provide all consumers with a wholesome meat supply. However, it must be recognized that at this point in time, there exists a substantial body of negative confidence toward taking this direction.

We feel the first goal should involve demonstrating the development of meaningful programs under both the Meat and Poultry Products Inspection Acts before proceeding further. We intend to support such an amendment when we are in a position to demonstrate State programs are, in fact, functioning as provided for by the Wholesome Meat Act.

Sincerely yours,

RODNEY E. LEONARD, *Administrator*.

The committee adopted Senator Holland's amendment, believing as does the Department that it is manifestly reasonable and logical.

(8) Provide for a producer exemption in section 15(c)(1)(i) of the law, as it would be amended by section 14 of the bill, based on the number of birds processed, instead of the "wholesale dressed value" of the birds slaughtered. It was pointed out in the House debate that "wholesale dressed value" was an indefinite term. An exemption based on the number of birds will be more definite and will not fluctuate from day to day as market prices vary. Under the amendment a producer could slaughter up to 4,000 turkeys or an equivalent number of other poultry annually without being subject to inspection. Four and a half birds of other species would be considered to be equivalent to one turkey, so a producer could slaughter 18,000 birds of other species, if he slaughtered no turkeys; or he could slaughter any combination of birds, counting four and a half birds of other species as the equivalent of one turkey. The poultry so slaughtered could be sold in intrastate commerce to anyone, or in interstate commerce directly to household consumers or restaurants, hotels, and boarding houses for use in their own dining rooms or in the preparation of meals for sale direct to consumers only. (Under existing law producers may sell any quantity to anyone in intrastate commerce and any quantity in interstate commerce to the same purchasers as those described in the amendment.) Exempt producers could not engage in buying or selling poultry products other than those produced from poultry raised on their own farms, or in selling dressed poultry or poultry products which are not sound, healthful, clean, and otherwise fit for human food.

(9) Amend the imported poultry products provision to correspond to the provisions adopted last year in the Federal Meat Inspection Act.

SECTION-BY-SECTION ANALYSIS

Section 1.—This section entitles the bill as the Wholesome Poultry Products Act.

Section 2.—Section 2 amends the legislative finding now in section 2 of the Poultry Products Inspection Act (PPIA) to conform more closely to that in the Federal Meat Inspection Act (FMIA), including language to support the provisions of the bill which affect intrastate commerce.

Section 3.—Section 3 amends the policy statement in section 3 of the act (1) to coordinate it with other amendments made by the bill, e.g., to refer to misbranded poultry products and delete reference to designated major consuming areas, (2) to state the intent of Congress

that all poultry which is injurious for human consumption shall be condemned, and (3) to state that the reason for condemnation must be supported by substantial scientific fact.

Section 4.—Section 4 amends section 4 of the act to revise the definitions of “commerce,” “Secretary,” “poultry,” “poultry product,” “adulterated,” “inspector,” “label,” and other terms; to delete the definitions of “official inspection mark,” “wholesome,” and “unwholesome”; and to add numerous new definitions including definitions of “official mark,” “official inspection legend,” “processed,” and “misbranded.” The amended or new definitions of terms conform closely to the definitions of those terms in the FMIA.

(a) In the present act “commerce” means commerce between any State (including the Commonwealth of Puerto Rico and the Virgin Islands) or the District of Columbia and any place outside thereof; or between points within the same State or the District of Columbia but through any place outside thereof; or within the District of Columbia. The bill defines “commerce” to mean commerce between any State any territory (i.e., any territory or possession of the United States, excluding the Canal Zone), or the District of Columbia and any place outside thereof; or within any unorganized territory or the District of Columbia.

(b) A definition of “State” (including the Commonwealth of Puerto Rico) is added.

(c) A definition of “territory” (including any territory or possession of the United States, excluding the Canal Zone) is added.

(d) A definition of “United States” is added. It covers all the States and territories and the District of Columbia. The legislative history of the present act indicates that the term now covers only those areas included in the definition of “United States” in 19 U.S.C. 1401, which formerly applied for purposes of the import meat provisions of section 306 of the Tariff Act of 1930 (19 U.S.C. 1306), repealed by the Wholesome Meat Act (Public Law 90-201).

(e) The definition of “poultry” is extended to include domesticated birds that died otherwise than by slaughter.

(f) The definition of “poultry product” is clarified and extended to include New York dressed poultry so as to make applicable thereto provisions of the act relating to poultry products. The definition, insofar as it relates to articles made from poultry carcasses or parts thereof, conforms to the definition of meat food products in the FMIA, although it does not include the phrase “capable of use as human food.” The quoted phrase is added as appropriate elsewhere in the act.

(g) The definition of “adulterated” is amended to conform to that in the FMIA with a nonsubstantive change in the proviso in subparagraph (g)(2) and with other changes necessary to make it applicable to poultry products. A paragraph relating to margarine is omitted as not applicable to poultry.

(h) The definition of “misbranded” is like that in the FMIA except for changes needed to make it apply to poultry products and except as follows:

Subparagraph (5) requires a label showing specified information whether the article is in a container or not; and authority would be given to the Secretary to exempt articles not in containers from labeling as to quantity.

In subparagraph (12), the official establishment number is specifically required (as well as the official inspection legend and such other information as the Secretary may prescribe under specified criteria). These items are required to appear on the containers of any poultry product, as prescribed by regulations of the Secretary.

(i) "Secretary" is redefined to include the delegates of the Secretary in accord with Reorganization Plan No. 2 of 1953.

(j) Only a grammatical change is made in the definition of "person."

(k) The definition of "inspector" is changed to include reference to employees or officials of a territory or the District of Columbia, as well as of a State, or the United States.

(l) The term "official mark" is added. It is a broader term than "official inspection legend."

(m) The term "official inspection legend" is substituted for "official inspection mark" in conformity with the FMIA. The legend would be "inspected for wholesomeness", and could not be changed from the legend now in use.

(n) and (o) The terms "official certificate" and "official device" are added to conform to the FMIA.

(p) and (q) There is no change in the definition of "official establishment" or "inspection service."

(r) Only a grammatical change is made in the definition of "container" or "package."

(s) "Label" is redefined and a definition of "labeling" is added in conformity with the FMIA. However, the term "label" is changed to include written, printed, or graphic matter upon any article as well as such matter upon the immediate container.

(t) and (u) No change is made in the definition of "shipping container" and "immediate container."

(v) A definition of "capable of use as human food" is added in conformity with the FMIA.

(w) A definition of "processed" is added, adapted from the definition of "prepared" in the FMIA.

(x) and (y). These paragraphs add definitions of "Federal Food, Drug, and Cosmetic Act"; and "pesticide chemical" and related terms identical with the definitions in the FMIA.

(z), (aa) and (bb). These paragraphs add definitions of "poultry products broker"; "renderer"; and "animal food manufacturer" which are adapted from corresponding terms in the FMIA with only such changes as are needed to apply them to poultry or poultry products.

Section 5.—This section deletes the present provisions in section 5 of the act for designation of major consuming areas with respect to which the requirements of the act would be applicable to intrastate activities, and it substitutes therefor provisions for Federal-State cooperation similar to those contained in title III of the FMIA.

(a)(1) The Secretary would be authorized to cooperate with appropriate State agencies in developing and administering State poultry product inspection programs in any "State" (as defined to mean any State, the Commonwealth of Puerto Rico, or any organized territory) which has enacted a mandatory State poultry product inspection law imposing ante mortem and post mortem inspection, reinspection, and sanitation requirements, at least equal to those under the Federal act for all or certain classes of intrastate operators.

(a)(2) The Secretary would be authorized to cooperate with appropriate State agencies in developing and administering State programs under State laws containing authorities at least equal to those provided in revised section 11 of the act (records, registration, and handling of dead, dying, disabled, or diseased poultry and other matters) and to cooperate with other agencies of the United States in carrying out the provisions of the Federal act. Authority now in section 18(b) of the act to conduct inspections, etc., under the act through State employees is also incorporated and extended in revised section 5.

(a)(3) The cooperation with the States may include advisory assistance, technical and laboratory assistance and training, financial and other aid. The Federal contribution may not exceed 50 percent of the total cost of the cooperating State's program.

(a)(4) The Secretary would be authorized to appoint advisory committees of State personnel to consult with him on poultry products inspection and other matters within the scope of the act.

(b) The term "appropriate State agency" is defined in conformity with the FMIA.

(c)(1) Subparagraph (c)(1) provides for extending Federal inspection and certain other requirements of the act to intrastate activities, including operations at establishments slaughtering poultry or preparing poultry products solely for intrastate commerce. It would authorize the Secretary after specified periods to designate any State as one in which such requirements would apply to wholly intrastate operations and transactions upon his determination, in accordance with specified procedure, that the State requirements are not at least equal to the Federal requirements. This subparagraph also provides for extension of the Federal requirements to specific plant designated by the Secretary upon his determination that they produce adulterated poultry products, for intrastate distribution, which clearly endanger the public health.

(c)(2) Subparagraph (c)(2) would include limited exemption from inspection for traditional and usual types of operations at retail stores or restaurants or similar retail-type establishments otherwise subject to inspection only under paragraph (c).

(c)(3) Subparagraph (c)(3) provides for terminating the designation of States under paragraph (c), and also redesignating such States.

(c)(4) Under subparagraph (c)(4) the Secretary would be required to review, at least annually, the requirements of the several States, not designated under paragraph (c), with respect to slaughter, processing, storage, handling, and distribution of poultry products, and inspection of such operations, and to make annual reports thereon to specified committees of the Senate and House of Representatives.

(c)(5) Subparagraph (c)(5) permits poultry products which have been processed under State inspection to move in interstate commerce, where the Secretary has determined that the State inspection system is equal to or better than the Federal system.

(d) Paragraph (d) defines "State" to conform to the definition in the FMIA.

Section 6.—Section 6 amends section 6 of the act by making editorial changes to conform the language to other amendments made by the bill, including adding the phrase "capable of use as human food" to qualify "poultry products" in the provisions for quarantine, segregation and reinspection.

Section 7.—This section also makes editorial changes to conform to other amendments.

Section 8.—This section deletes the present labeling provisions in section 8 of the act and substitutes provisions identical with those in the FMIA except for necessary editorial changes (for example, references to poultry products rather than meat and meat food products) and except that the requirement in the latter act that certain information appear directly on the products or on their containers, as the Secretary may require, is here changed to require it on the containers as the Secretary may require.

Another change made by this section is in the label information to be required. The present act specifies certain items required to appear on the shipping container and more extensive information for the immediate container. Under the revised section all the information necessary under the definition of "misbranded" would have to appear as the Secretary may require in accordance with the section.

(b) This paragraph would confer specific authority on the Secretary to prescribe styles and sizes of type of required labeling information and to prescribe standards of identity or composition, or fill of container.

(c) This provision would prohibit sale in commerce of any article subject to the act under a false or misleading name or in containers of a false or misleading form or size but allow the use of approved labeling and containers. Similar provisions are in present paragraph 8(b).

(d) This paragraph would authorize the Secretary to order labeling or containers to be withheld from use if there is reason to believe they are false or misleading and provide for administrative hearing and judicial review. This provision is essentially the same as in paragraph 8(b) of the present act except that it includes authority to prevent use of containers of a false or misleading form or size.

Section 9.—This section deletes the principal prohibitions now in section 9 of the act and substitutes, with necessary editorial changes, prohibitions like those in the FMIA (derived in part from the Federal Food, Drug, and Cosmetic Act) plus others adapted from the present PPIA. In the revised section, paragraph (a) would make it unlawful for any person to—

(a)(1) Slaughter poultry or process poultry products capable of use as human food at establishments processing such articles for commerce, except in compliance with the requirements of the act. (This clarifies a prohibition now in par. 9(a) of the act with respect to processing.)

(a)(2) Sell, transport, offer for sale or transportation, or receive for transportation, in commerce (A) adulterated or misbranded poultry products capable of use as human food or (B) poultry products required to be inspected unless they have been inspected and passed.

(a)(3) Adulterate or misbrand poultry products capable of use as human food while they are being transported in commerce or held for sale after such transportation.

Clause (9)(a)(2)(A) replaces comparable prohibitions in paragraphs 9 (a), (b), and (d) and section 16 of the present act with respect to mislabeled or unwholesome or adulterated articles and extends coverage into areas now covered only by the Federal Food, Drug, and

Cosmetic Act. This is also true of subparagraph 9(a)(3). Clause (B) of revised subparagraph 9(a)(2) preserves prohibitions now in paragraph 9(a) with respect to distribution of poultry products that have not been inspected.

(a)(4) This provision clarifies and replaces the prohibition now in paragraph 9(i) with respect to the distribution of articles not qualifying under the present definition of "poultry product", principally "New York dressed poultry".

(a)(5) This paragraph clarifies and slightly relieves the present prohibition in paragraph 9(h) of the act against use or revealing of information acquired under the act.

(b) This paragraph clarifies and preserves prohibitions now in paragraph 9(c) against counterfeiting or simulating official identifications and related offenses, especially as to brand manufacturers and printers.

(c) This paragraph prohibits forgery or unauthorized use or destruction of, or prohibited failure to use or to destroy, official devices, marks or certificates; knowing possession (without notifying the Secretary) of counterfeit "official" certificates, devices, or labels, or poultry carcasses, parts thereof or products bearing counterfeit "official" marks; and similar offenses. It also prohibits false statements in certificates prescribed under the act and false representation of poultry products as inspected or exempted under the act. Somewhat similar prohibitions are now contained in paragraphs 9 (c) and (e) of the act.

Section 10.—This section makes editorial changes in section 10 of the act relating to complete coverage of official establishments for conformity with other amendments.

Section 11.—This section deletes the present record requirements in section 11 of the act and substitutes record and other provisions similar to those in title II of the FMIA.

New paragraph 11(a) of the act limits inspection under the act to inspection of the slaughter of poultry and the preparation of poultry carcasses and so forth intended for use as human food and requires denaturing or other identification, as prescribed by the Secretary, of poultry carcasses and so forth not intended for such use, before their distribution in commerce or importation.

New paragraph 11(b) of the act would require keeping of records properly necessary for the effective enforcement of the act, by—

(1) Persons engaged (for commerce) in the business of slaughtering poultry or processing, freezing, packaging or labeling carcasses, and so forth of poultry for use as human food or animal food;

(2) Persons engaged in the business of buying or selling in any capacity, transporting, or storing, in or for commerce, or importing any carcasses, and so forth of poultry; and

(3) Persons engaged in business, in or for commerce, as renderers, or in the business of buying, selling, or transporting in commerce, or importing any dead, dying, disabled, or diseased poultry (hereinafter called "4-D poultry") or parts of the carcasses of any poultry that died otherwise than by slaughter, for example, from natural causes.

Paragraph 11(b) also would require such operators to give representatives of the Secretary access to their places of business, and opportunity to examine records, facilities, and inventories and to take samples of their inventories upon payment therefor.

New paragraph 11(c) of the act would authorize the Secretary to require registration of persons engaged in business, in or for commerce, as poultry products brokers, renderers, animal food manufacturers, wholesalers, or public warehousemen of poultry carcasses, and so forth, and persons engaged in the business of buying, selling or transporting, in commerce, or importing, any 4-D poultry, or parts of the carcasses of any poultry that died otherwise than by slaughter.

New paragraph 11(d) would prohibit 4-D poultry or carcass handlers from buying, selling, or transporting, and so forth in commerce or importing, any 4-D poultry, or parts of carcasses of any poultry that died otherwise than by slaughter, unless such transactions, and so forth are made in accordance with the Secretary's regulations.

New paragraph 11(e) would provide that the authority conferred on the Secretary by paragraph (b), (c), or (d) with respect to persons engaged in the specified kinds of business in or for commerce, may be exercised by him with respect to persons engaged in such business but not in or for commerce, and with respect to their transactions, when he determines, after consultation with an appropriate advisory committee provided for in section 5 of the act that the State or organized territory involved does not have or is not adequately exercising at least equal authority, including the State or territory providing for the Secretary or his representative being afforded access to such places of business.

Section 12.—This section would amend section 12 of the act relating to penalties by substituting provisions adapted from section 406 of the FMIA, by making editorial changes in paragraph 12(b), and by adding as paragraph 12(c) prohibitions and penalties like those in section 404 of the FMIA with respect to forcible assaults, et cetera, against persons having official duties under the PPIA.

Section 13.—This section adds to section 14 of the act, as paragraph (a), authority for the Secretary to regulate conditions of storage and handling of poultry products capable of use as human food by any person engaged in handling in commerce or importing such articles. It is the same as section 24 of the FMIA except for necessary editorial changes and except that it does not contain an exception for establishments which are covered only because of purchases in commerce.

This section also adds to section 14 of the Act, as paragraph (c), a requirement that in the application of 5 U.S.C. § 553(c) to proposed rule making under the Act, an opportunity shall be provided interested parties for the oral presentation of views. This would be in addition to the opportunity now accorded for written views. Judicial review is now provided by chapter 7 of title 5 of the U.S. Code.

Section 14.—This section amends the exemption provisions now in section 15 of the act by—

(a) Deleting the poultry producer exemption authority now contained in paragraph 15(a)(1) (several different exemptions are provided in new paragraph 15(c)); and preserving and redesignating as paragraph (a)(1) the exemption authority as to retail dealers now contained in paragraph 15(a)(2); redesignating as paragraph 15(a)(2) the provisions now contained in paragraph

15(a)(3) for exemption from inspection in cases of impracticability to provide it; and redesignating as paragraph 15(a)(3) the religious exemption provisions now contained in paragraph 15(a)(4).

(b) Extending until January 1, 1970, the expired authority of the Secretary under redesignated paragraph 15(a)(2) to exempt processors of poultry and poultry products for commerce from inspection when he finds it is impracticable to provide such inspection;

(c) Redesignating as (e) present paragraph (b) relating to suspension or termination of exemptions and adding new paragraphs (b), (c), and (d) to the act,

(b) Authorizing the Secretary to exempt from inspection the slaughter of poultry and processing of poultry products in any unorganized territory solely for distribution therein when he finds it is impracticable to provide such inspection for lack of funds. (This is the same as paragraph 23(b) of the FMIA except for editorial changes.)

(c)(1) Providing that the provisions of the act shall not apply to—

(i) poultry producers with respect to poultry of their own raising on their own farms, provided that such producers slaughter not more than 4,000 turkeys, or not more than an equivalent number of birds of all species during the calendar year for which this exemption is being determined (4.5 birds of other species being deemed the equivalent of one turkey), they do not engage in buying or selling poultry products other than those produced from poultry raised on their own farms, none of such poultry moves in commerce other than directly to household consumers or restaurants, hotels, and boarding houses for use in their own dining rooms or in the preparation of meals for sale direct to consumers only, and they do not engage in selling dressed poultry or poultry products which are not fit for human food; nor

(ii) any person who slaughters, processes or sells poultry, the wholesale dressed value of which does not exceed \$15,000 during the current calendar year, provided that none of such poultry moves in "commerce", and such persons do not engage in selling dressed poultry or poultry products which are not fit for human food; nor

(iii) slaughtering by any person of poultry of his own raising, and the processing by him and transportation in "commerce" of the poultry products exclusively for use by him and members of his household and his nonpaying guests and employees; nor

(iv) the custom slaughter by any person of poultry delivered by the owner thereof for such slaughter, and processing of such poultry by such slaughterer, and transportation in commerce of the poultry products exclusively for use in the household of such owner, by him, members of his household and his nonpaying guests and employees. Such custom slaughterers may not engage in the business of buying or selling poultry

products capable of use as human food if they are to qualify for such exemption.

(2) Requiring the Secretary under specified criteria to provide by regulation for further exemptions for the operation and products of small enterprises (including poultry producers) engaged, solely for intrastate commerce, in slaughtering, and/or cutting up poultry for distribution as carcasses or parts thereof; and authorizing revocation of such further exemptions for stated causes.

(d) Limiting the application of the adulteration and misbranding provisions insofar as concerns articles exempted or excluded from the inspection requirement.

Section 15.—This section deletes the present provisions in section 16 of the act relating to distribution of unwholesome or adulterated exempted poultry or poultry products, and it substitutes provisions clarifying the authority to limit the entry into official establishments of poultry products and other materials.

Section 16.—This section amends section 17 of the Poultry Products Inspection Act, which deals with imported poultry products, to make it conform to the corresponding provision of the Federal Meat Inspection Act, which was adopted last year.

As revised section 17 would—

(a) Prohibit importation of poultry products capable of use as human food if they are adulterated or misbranded and unless they comply with all the inspection, building construction standards, and other provisions of the act and regulations thereunder applicable to such articles in domestic commerce but require imported articles to be marked and labeled as prescribed by the regulations for imports; and except from the section imports not in excess of 50 pounds by any person for his own consumption.

(b) Extend the authority of the Secretary to provide for destruction of articles imported contrary to the act unless exported, and in the case of merely misbranded articles allow them to be brought into compliance with the act under official supervision, instead of being exported.

(c) Preserve and extend authority now contained in paragraph 17(c) of the act for assessment of storage, cartage, and labor charges against the owner or consignee of products not eligible for admission.

(d) Prohibit knowing importations contrary to the section.

(e) Require reports to the Congress with respect to administration of the import provisions.

These provisions were contained in the poultry products legislation originally recommended by the Department, which was introduced as S. 2932, and H. R. 15146, except for the provisions in paragraph (e) for reports to the Congress, which were not in those bills. The House subcommittee deleted the provisions with respect to imports from the House bill, and the House approved the bill in that form, which would leave in effect the import provisions now in section 17 of the act.

Section 17 presently prohibits the importation of slaughtered poultry or parts or products thereof unless they are healthful, wholesome, fit for human food and not adulterated and unless they also comply with the regulations made by the Secretary to assure that imported poultry or poultry products comply with the standards provided for in the act. Section 17 provides that the imported articles shall after

entry in compliance with the regulations be deemed and treated as domestic articles subject to the act and the Federal Food, Drug and Cosmetic Act. Section 17 authorizes the Secretary of Agriculture to make regulations to carry out its provisions, including prescription of terms for destruction of articles refused admission unless they are exported within the time specified in the regulations. Section 17 further provides that the owner or consignee of products refused admission shall pay all charges for storage, cartage and labor with respect to the products and in default of such payment the charges shall constitute a lien against any other products imported thereafter by such owner or consignee.

These provisions were adapted from the import meat provisions that were contained in section 306 of the Tariff Act of 1930, as amended (19 U.S.C. 1306 (b) and (c)) prior to enactment of the Wholesome Meat Act.

Under the present provisions in section 17 the Department has issued regulations (7 CFR 81.300 et seq.) governing imports of slaughtered poultry and poultry products. Such articles may be imported from any foreign country only if the Department determines that the system of poultry inspection in such country is the substantial equivalent of the system maintained by the United States and if other requirements are met.

The proposed new provisions of section 17 would not require major changes in the import requirements, since they are intended to assure that the requirements for imported products are at least equal to those applicable to the comparable domestic articles, and this has been the objective of the present law and regulations also. The volume of importation of slaughtered poultry and poultry products is minor (e.g. 387,576 pounds in fiscal year 1967), and it consists principally of specialty items such as ducks canned in oil and pâté de foie gras.

Section 17.—This section deletes the present provisions in section 18 relating to jurisdiction of the Secretary and cooperation with other branches of Government and State agencies in carrying out the provisions of the act and substitutes provisions for refusal or withdrawal of inspection service under the act. (Deleted matter is covered by sections 5 and 17 of the bill.)

The new provisions in paragraph 18(a) would authorize withdrawal or refusal of inspection service under the act for any establishment if the applicant for, or recipient of, the service is determined, in a formal administrative proceeding, to be unfit to engage in a business requiring such inspection because he, or anyone responsibly connected with him, has been convicted within the previous 10 years, in any Federal or State court of any felony or more than one misdemeanor under any law based upon acquiring, handling or distributing of adulterated, mislabeled, or deceptively packaged food or fraud in connection with transactions in food; or any felony involving any act or circumstance which indicates a lack of the integrity needed for the conduct of operations affecting the public health.

New paragraph 18(b) would provide opportunity for hearing, upon request by the adversely affected processor, in cases in which inspection service has been withdrawn or refused because of failure to destroy condemned poultry products as required under section 6 of the act or failure to otherwise comply with the requirements under section 7

of the act. Provision would be made, however, for the withdrawal or refusal to continue unless otherwise ordered by the Secretary.

In paragraph 18(c), provision would be made for judicial review of orders in proceedings within paragraphs 18 (a) and (b).

Section 18.—This section of the bill redesignates present sections 19 (cost of inspection), 20 (appropriations), 21 (separability of provisions), and 22 (effective date of the original PPIA) of the act as sections 25, 26, 28 and 29, and adds to the act new sections 19 through 24 which correspond, respectively, to provisions in sections 402, 403, 404, 407, 408, and 409 of the FMIA. New section 27 is also added. It corresponds to section 17 of the Wholesome Meat Act.

New section 19 of the act would authorize administrative detention by the Secretary of Agriculture's representatives of poultry products and other articles and 4-D poultry if found on any premises where held for purposes of, or during or after, distribution in commerce or otherwise subject to the act and there is reason to believe that they are adulterated or misbranded and capable of use as human food, or that they have not been inspected, in violation of Federal or other laws or have been or are intended to be distributed in violation of such laws.

New section 20 would authorize judicial proceedings for seizure and condemnation of poultry products and 4-D poultry that are being transported in commerce or that are otherwise subject to the act, or that are held for sale after such transportation, if they are or have been processed or distributed or offered or received for distribution in violation of the act, or are capable of use as human food and are adulterated or misbranded, or are otherwise in violation of the act.

New section 21 would give specified courts jurisdiction of actions to enjoin violations of the act, and certain other cases under the act.

New section 22 would incorporate by reference, provisions (including penalties) of the Federal Trade Commission Act and the Communications Act of 1934, as amended, authorizing requirement of reports, authorizing administrative subpoenas, and conferring other investigative and hearing powers.

New section 23 would prohibit States, territories, and the District of Columbia from (i) imposing different or additional requirements within the scope of the PPIA with respect to premises, facilities, and operations at plants inspected under the PPIA (ii) imposing marking, labeling, packaging, or ingredient requirements in addition to or different than those under the act for poultry products processed at official establishments in accordance with the requirements under the act, or (iii) imposing storage or handling requirements found by the Secretary to interfere with the free flow of poultry products in commerce, but would permit them to impose recordkeeping and related requirements with respect to such plants if consistent with the Federal requirements and to impose requirements consistent with the Federal provisions as to other matters regulated under the act.

New section 24 would coordinate the Poultry Products Inspection Act with the Federal Food Drug, and Cosmetic Act by continuing the present exemption from the latter act for poultry and poultry products to the extent of the application or extension thereto of the Poultry Products Inspection Act but providing that the provisions of the Poultry Products Inspection Act shall not derogate from any authority conferred by the Federal Food, Drug, and Cosmetic Act prior to

enactment of the bill. This parallels provisions in subsection 902(b) of the latter act and section 409 of the FMIA with respect to meat and meat food products. Section 24 also would extend the detention authority of section 19 to representatives of the Secretary of Health, Education, and Welfare for purposes of enforcement of the latter act with respect to poultry carcasses, and parts and products thereof.

New section 27 would require annual reports to specified committees of the Senate and the House of Representatives with respect to poultry slaughter and processing, inspection thereof, and operations under the act.

Section 19.—This section of the bill would change the headings preceding specified sections of the statute to reflect other changes made by the bill.

Section 20.—This section amends the Federal Meat Inspection Act to permit meat and meat products which have been processed under State inspection to move in interstate commerce, where the Secretary has determined that the State inspection system is equal to or better than the Federal system. This would correspond to section 5(c)(5) of the Poultry Products Inspection Act, as amended by section 5 of the bill.

Section 21.—This section contains the usual saving provision to apply in case of partial invalidity of the bill.

Section 22.—This section provides that the bill shall become effective upon enactment with specified exceptions.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

POULTRY PRODUCTS INSPECTION ACT

* * * * *

LEGISLATIVE FINDING

SEC. 2. **【Wholesome】** *Poultry and* products are an important source of the Nation's total supply of food. **【Such products】** *They* are consumed throughout the Nation and **【substantial quantities】** *the major portion* thereof **【move】** *moves* in interstate **【and】** *or* foreign commerce. *It is essential in the public interest that the health and welfare of consumers be protected by assuring that poultry products distributed to them are wholesome, not adulterated, and properly marked, labeled, and packaged.* Unwholesome **【and】**, adulterated, or misbranded poultry products *impair the effective regulation of poultry products in* **【the channels of】** interstate or foreign commerce, are injurious to the public welfare, **【adversely affect the marketing of】** *destroy markets for* wholesome, not adulterated, and properly labeled and packaged poultry products, and result in sundry losses to poultry producers **【and destroy markets for wholesome poultry products.** The marketing of wholesome poultry products is affected with the public interest and directly affects the welfare of the people. All poultry and poultry products which have or are required to have inspec-

tion] and processors of poultry and poultry products, as well as injury to consumers. It is hereby found that all articles and poultry which are regulated under this Act are either in [the current of] interstate or foreign commerce of [directly] substantially affect such commerce, and that regulation by the Secretary of Agriculture and cooperation by the States and other jurisdictions as contemplated by this Act are appropriate to prevent and eliminate burdens upon such commerce, to effectively regulate such commerce, and to protect the health and welfare of consumers. [That part that enters directly into the current of interstate or foreign commerce cannot be effectively inspected and regulated without also inspecting and regulating all poultry and poultry products processed or handled in the same establishment.

[The great volume of poultry products required as an article of food for the inhabitants of large centers of population may directly affect the movement of poultry and poultry products in interstate commerce. To protect interstate commerce in poultry and poultry products inspected for wholesomeness, from being adversely burdened, obstructed, or affected by uninspected poultry or poultry products, major consuming areas where poultry or poultry products are handled or consumed in such volume as to affect the movement of inspected poultry or poultry products in interstate commerce should be designated by the Secretary pursuant to the provisions of this Act.]

DECLARATION OF POLICY

SEC. 3. It is hereby declared to be the policy of Congress to provide for the inspection of poultry and poultry products [by the inspection service as herein provided] and otherwise regulate the processing and distribution of such articles as hereinafter prescribed to prevent the movement or sale in interstate or foreign commerce [or in a designated major consuming area of poultry products which are unwholesome, adulterated, or otherwise unfit for human food] of, or the burdening of such commerce by, poultry products which are adulterated or misbranded. It is the intent of Congress that all poultry which is injurious for human consumption shall be condemned. The reason for condemnation must be supported by substantial scientific fact.

DEFINITIONS

SEC. 4. For purposes of this Act—

(a) The term "commerce" means commerce between any State, any territory, or the District of Columbia, and any place outside thereof; [or between points within the same State or the District of Columbia, but through any place outside thereof;] or within any territory not organized with a legislative body, or the District of Columbia [; and the term "State" includes the Commonwealth of Puerto Rico and the Virgin Islands].

(b) Except as otherwise provided in this Act, the term "State" means any State of the United States and the Commonwealth of Puerto Rico.

(c) The term "territory" means Guam, the Virgin Islands of the United States, American Samoa, and any other territory or possession of the United States, excluding the Canal Zone.

(d) The term "United States" means the States, the District of Columbia, and the territories of the United States.

Existing subsections (b) and (c), which define "Secretary" and "person" are hereinafter compared with proposed subsections (i) and (j)

[(d)] (e) The term "poultry" means any [live or slaughtered] domesticated bird, *whether live or dead.*

[(e)] (f) The term "poultry product" means any [poultry which has been slaughtered for human food from which the blood, feathers, feet, head, and viscera have been removed in accordance with rules and regulations promulgated by the Secretary, any edible part of poultry, or, unless exempted by the Secretary, any human food product consisting of any edible part of poultry separately or in combination with other ingredients] *poultry carcass, or part thereof; or any product which is made wholly or in part from any poultry carcass or part thereof, excepting products which contain poultry ingredients only in a relatively small proportion or historically have not been considered by consumers as products of the poultry food industry, and which are exempted by the Secretary from definition as a poultry product under such conditions as the Secretary may prescribe to assure that the poultry ingredients in such products are not adulterated and that such products are not represented as poultry products.*

[(f)] The term "wholesome" means sound, healthful, clean, and otherwise fit for human food.

[(g)] The term "unwholesome" means:]

Compare the following two clauses with proposed subsection (g)(3):

[(1)] Unsound, injurious to health, or otherwise rendered unfit for human food.

[(2)] Consisting in whole or in part of any filthy, putrid, or decomposed substance.]

Compare the following three clauses with proposed subsections (g)(4), (5), and, (6):

[(3)] Processed, prepared, packed, or held under unsanitary conditions whereby a poultry carcass or parts thereof or any poultry product may have become contaminated with filth or whereby a poultry product may have been rendered injurious to health.

[(4)] Produced in whole or in part from poultry which has died otherwise than by slaughter.

[(5)] Packaged in a container composed of any poisonous or deleterious substance which may render the contents injurious to health.]

[(h)] (g) The term "adulterated" shall apply to *any* poultry product [and poultry products] under one or more of the following circumstances:

(1) If [they bear or contain] *it bears or contains* any poisonous or deleterious substance which may render [them] *it* injurious to health; but, in case the substance is not an added substance, such [poultry and poultry products] *article* shall not be considered adulterated under this clause if the quantity of such substance [in such poultry and poultry products] *in or on such article* does not ordinarily render [them] *it* injurious to health[.];

(2)(A) If [they bear or contain] *it bears or contains (by reason of administration of any substance to the live poultry or otherwise)* any added poisonous or added deleterious substance[, unless such substance is permitted in their production or unavoidable under good manufacturing practices as may be determined by rules and regulations hereunder prescribed by the Secretary or other provisions of Federal

law limiting or tolerating the quantity of such added substance on or in such poultry and poultry products: *Provided*, That any quantity of such added substance exceeding the limits so fixed shall also be deemed to constitute adulteration.】 (other than one which is (i) a pesticide chemical in or on a raw agricultural commodity; (ii) a food additive; or (iii) a color additive) which may, in the judgment of the Secretary, make such article unfit for human food;

(B) if it is, in whole or in part, a raw agricultural commodity and such commodity bears or contains a pesticide chemical which is unsafe within the meaning of section 408 of the Federal Food, Drug, and Cosmetic Act;

(C) if it bears or contains any food additive which is unsafe within the meaning of section 409 of the Federal Food, Drug, and Cosmetic Act,

(D) if it bears or contains any color additive which is unsafe within the meaning of section 706 of the Federal Food, Drug, and Cosmetic Act; *Provided*, That an article which is not otherwise deemed adulterated under clause (B), (C), or (D) shall nevertheless be deemed adulterated if use of the pesticide chemical food additive, or color additive in or on such article is prohibited by regulations of the Secretary in official establishments;

Compare the following four clauses with proposed clause (8)

【(3) If any substance has been substituted, wholly or in part, therefor.

【(4) If damage or inferiority has been concealed in any manner.

【(5) If any valuable constituent has been in whole or in part omitted or abstracted therefrom.

【(6) If any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is.

Compare proposed clause (3) with existing subsections (g) (1) and (2)

(3) if it consists in whole or in part of any filthy, putrid, or decomposed substance or is for any other reason unsound, unhealthful, unwholesome, or otherwise unfit for human food;

Compare the following 3 clauses with existing subsections (g) (3), (4), and (5)

(4) if it has been prepared, packed, or held under unsanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health;

(5) if it is, in whole or in part, the product of any poultry which as died otherwise than by slaughter;

(6) if its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health;

(7) if it has been intentionally subjected to radiation, unless the use of the radiation was in conformity with a regulation or exemption in effect pursuant to section 409 of the Federal Food, Drug, and Cosmetic Act; or

Compare the following clause with existing subsections (h) (3), (4), (5), and (6):

(8) if any valuable constituent has been in whole or in part omitted or abstracted therefrom; or if any substance has been substituted, wholly or in part therefor; or if damage or inferiority has been concealed in any manner; or if any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is.

(h) The term "misbranded" shall apply to any poultry product under one or more of the following circumstances:

- (1) if its labeling is false or misleading in any particular;
- (2) if it is offered for sale under the name of another food;
- (3) if it is an imitation of another food, unless its label bears, in type of uniform size and prominence, the word "imitation" and immediately thereafter, the name of the food imitated;

(4) if its container is so made, formed, or filled as to be misleading;

(5) unless it bears a label showing (A) the name and the place of business of the manufacturer, packer, or distributor; and (B) an accurate statement of the quantity of the product in terms of weight, measure, or numerical count: Provided, That under clause (B) of this subparagraph (5), reasonable variations may be permitted, and exemptions as to small packages or articles not in packages or other containers may be established by regulations prescribed by the Secretary;

(6) if any word, statement, or other information required by or under authority of this Act to appear on the label or other labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;

(7) if it purports to be or is represented as a food for which a definition and standard of identity or composition has been prescribed by regulations of the Secretary under section 8 of this Act unless (A) it conforms to such definition and standard, and (B) its label bears the name of the food specified in the definition and standard and, insofar as may be required by such regulations the common names of optional ingredients (other than spices, flavoring, and coloring) present in such food;

(8) if it purports to be or is represented as a food for which a standard or standards of fill of container have been prescribed by regulations of the Secretary under section 8 of this Act, and it falls below the standard of fill of container applicable thereto, unless its label bears, in such manner and form as such regulations specify, a statement that it falls below such standard;

(9) if it is not subject to the provisions of subparagraph (7), unless its label bears (A) the common or usual name of the food, if any there be, and (B) in case it is fabricated from two or more ingredients, the common or usual name of each such ingredient; except that spices, flavorings, and colorings may, when authorized by the Secretary, be designated as spices, flavorings, and colorings without naming each: Provided, That to the extent that compliance with the requirements of clause (B) of this subparagraph (9) is impracticable or results in deception or unfair competition, exemptions shall be established by regulations promulgated by the Secretary;

(10) if it purports to be or is represented for special dietary uses unless its label bears such information concerning its vitamin, mineral, and other dietary properties as the Secretary, after consultation with the Secretary of Health, Education, and Welfare, determines to be, and by regulations prescribes as, necessary in order fully to inform purchasers as to its value for such uses;

(11) if it bears or contains any artificial flavoring, artificial coloring, or chemical preservative, unless it bears labeling stating that fact: *Provided, That, to the extent that compliance with the requirements of this subparagraph (11) is impracticable, exemptions shall be established by regulations promulgated by the Secretary; or*

(12) if it fails to bear on its containers as the Secretary may by regulations prescribe, the official inspection legend and official establishment number of the establishment where the article was processed, and, unrestricted by any of the foregoing, such other information as the Secretary may require in such regulations to assure that it will not have false or misleading labeling and that the public will be informed of the manner of handling required to maintain the article in a wholesome condition.

Existing subsections (b), (c), (i), (j), (k), (l), (m), (n), (o), and (p) are hereinafter compared with proposed subsections as follows:

Existing subsection:	Proposed subsection:	Term defined:
(b)	(i)	"Secretary"
(c)	(j)	"person"
(i)	(k)	"inspector"
(j)	(m)	"official inspection mark"
(k)	(q)	"inspection service"
(l)	(r)	"container"
(m)	(p)	"official establishment"
(n)	(s)	"label"
(o)	(t)	"shipping container"
(p)	(u)	"immediate container"

[(b)] (i) The term "Secretary" means the Secretary of Agriculture or *his delegate*.

[(c)] (j) The term "person" means any individual, partnership, corporation, association, or **[any]** other business unit.

[(i)] (k) The term "inspector" means: (1) an employee or official of the United States Government authorized by the Secretary to inspect poultry and poultry products under the authority of this Act, or (2) any employee or official **[any State government]** *the government of any State or territory or the District of Columbia* authorized by the Secretary to inspect poultry and poultry products under authority of this Act, under an agreement entered into between the Secretary and the appropriate State or other agency.

(l) The term "official mark" means the official inspection legend or any other symbol prescribed by regulations of the Secretary to identify the status of any article or poultry under this Act.

[(j)] (m) The term "official inspection **[mark]** legend" means **[the]** any symbol **[, formulated pursuant to rules and regulations]** prescribed by regulations of the Secretary **[, stating]** showing that **[the product]** an article was inspected for wholesomeness in accordance with this Act. The Secretary shall not require any change in the official inspection legend in use under this Act on the date of enactment of the Wholesome Poultry Products Act.

(n) The term "official certificate" means any certificate prescribed by regulations of the Secretary for issuance by an inspector or other person performing official functions under this Act.

(o) The term "official device" means any device prescribed or authorized by the Secretary for use in applying any official mark.

[(k)] (q) The term "inspection service" means the official Government service within the Department of Agriculture designated by

the Secretary as having the responsibility for carrying out the provisions of this Act.

[(1)] (r) The [terms] *term* “container” or “package” [include] *includes* any box, can, tin, cloth, plastic, or [any] other receptacle, wrapper, or cover.

[(m)] (p) The term “official establishment” means any establishment as determined by the Secretary at which inspection of the slaughter of poultry, or the processing of poultry products, is maintained under the authority of this Act.

[(n)] (s) The term “label” means [any] *a display of* written, printed, or graphic [material] *matter* upon [the shipping container, if any, or upon] *any article or the immediate container* [, including but not limited to an individual consumer package, of the poultry product, or accompanying such product] *(not including package liners) of any article; and the term “labeling” means all labels and other written, printed, or graphic matter (1) upon any article or any of its containers or wrappers, or (2) accompanying such article.*

[(o)] (t) The term “shipping container” means any container used or intended for use in packaging the product packed in an immediate container.

[(p)] (u) The term “immediate container” includes any consumer package; or any other container in which [poultry carcasses or] poultry products, not consumer packaged, are packed.

(v) *The term “capable of use as human food” shall apply to any carcass, or part or product of a carcass, of any poultry, unless it is denatured or otherwise identified as required by regulations prescribed by the Secretary to deter its use as human food, or it is naturally inedible by humans.*

(w) *The term “processed” means slaughtered, canned, salted, stuffed, rendered, boned, cut up, or otherwise manufactured or processed.*

(x) *The term “Federal Food, Drug, and Cosmetic Act” means the Act so entitled, approved June 25, 1938 (52 Stat. 1040), and Acts amendatory thereof or supplementary thereto.*

(y) *The terms “pesticide chemical”, “food additive”, “color additive”, and “raw agricultural commodity” shall have the same meanings for purposes of this Act as under the Federal Food, Drug, and Cosmetic Act.*

(z) *The term “poultry products broker” means any person engaged in the business of buying or selling poultry products on commission, or otherwise negotiating purchases or sales of such articles other than for his own account or as an employee of another person.*

(aa) *The term “renderer” means any person engaged in the business of rendering carcasses, or parts or products of the carcasses, of poultry, except rendering conducted under inspection or exemption under this Act.*

(bb) *The term “animal food manufacturer” means any person engaged in the business of manufacturing or processing animal food derived wholly or in part from carcasses, or parts or products of the carcasses of poultry.*

[DESIGNATION] FEDERAL AND STATE COOPERATION

SEC. 5. [Upon application by any appropriate State or local official or agency of a substantial portion of any major consuming area or upon application by an appropriate local poultry industry group in

such an area, where the Secretary has reason to believe that poultry or poultry products are handled or consumed in such volume as to affect, burden, or obstruct the movement of inspected poultry products in interstate commerce, the Secretary shall conduct a public hearing to ascertain whether or not it will tend to effectuate the purposes of this Act, for such area to be subject to the provisions of this Act. If after public hearing the Secretary finds that poultry or poultry products are handled or consumed in such volume as to affect, burden, or obstruct the movement of inspected poultry products in commerce and that the designation of such area will tend to effectuate the purposes of this Act, he shall by order designate such area and prescribe the provisions of this Act which shall be applicable thereto and grant such exemptions therefrom as he determines practicable. Such designation shall not become effective until six months after the notice thereof is published in the Federal Register. On and after the effective date of such designation, all poultry and poultry products processed, sold, received, or delivered in any such area shall be subject to the provisions of this Act. **§** (a) *It is the policy of the Congress to protect the consuming public from poultry products that are adulterated or misbranded and to assist in efforts by State and other Government agencies to accomplish this objective. In furtherance of this policy—*

(1) *The Secretary is authorized, whenever he determines that it would effectuate the purposes of this Act, to cooperate with the appropriate State agency in developing and administering a State poultry product inspection program in any State which has enacted a mandatory State poultry product inspection law that imposed ante-mortem and post-mortem inspection, reinspection and sanitation requirements that are at least equal to those under this Act, with respect to all or certain classes of persons engaged in the State in slaughtering poultry or processing poultry products for use as human food solely for distribution within such State.*

(2) *The Secretary is further authorized, whenever he determines that it would effectuate the purposes of this Act, to cooperate with appropriate State agencies in developing and administering State programs under State laws containing authorities at least equal to those provided in section 11 of this Act; and to cooperate with other agencies of the United States in carrying out any provisions of this Act. In carrying out the provisions of this Act, the Secretary may conduct such examinations, investigations, and inspections as he determines practicable through any officer or employee of any State or Territory or the District of Columbia commissioned by the Secretary for such purpose.*

(3) *Cooperation with State agencies under this section may include furnishing to the appropriate State agency (i) advisory assistance in planning and otherwise developing an adequate State program under the State law; (ii) technical and laboratory assistance and training (including necessary curricular and instructional materials and equipment), and financial and other aid for administration of such a program. The amount to be contributed to any State by the Secretary under this section from Federal funds for any year shall not exceed 50 per centum of the estimated total cost of the cooperative program; and the Federal funds shall be allocated among the States desiring to cooperate on an equitable basis. Such cooperation and payment shall be contingent at all times upon the administration of the State program*

in a manner which the Secretary, in consultation with the appropriate advisory committee appointed under subparagraph (4), deems adequate to effectuate the purposes of this section.

(4) The Secretary may appoint advisory committees consisting of such representatives of appropriate State agencies as the Secretary and the State agencies may designate to consult with him concerning State and Federal programs with respect to poultry product inspection and other matters within the scope of this Act, including evaluating State programs for purposes of this Act and obtaining better coordination and more uniformity among the State programs and between the Federal and State programs and adequate protection of consumers.

(b) The appropriate State agency with which the Secretary may cooperate under this Act shall be a single agency in the State which is primarily responsible for the coordination of the State programs having objectives similar to those under this Act. When the State program includes performance of certain functions by a municipality or other subordinate governmental unit, such unit shall be deemed to be a part of the State agency for purposes of this section.

(c)(1) If the Secretary has reason to believe, by thirty days prior to the expiration of two years after enactment of the Wholesome Poultry Products Act, that a State has failed to develop or is not enforcing, with respect to all establishments within its jurisdiction (except those that would be exempted from Federal inspection under subparagraph (2) of this paragraph (c)) at which poultry are slaughtered, or poultry products are processed for use as human food, solely for distribution within such State, and the products of such establishments, requirements at least equal to those imposed under section 1-4, 6-10, and 12-22 of this Act, he shall promptly notify the Governor of the State of this fact. If the Secretary determines, after consultation with the Governor of the State, or representative selected by him, that such requirements have not been developed and activated, he shall promptly after the expiration of such two-year period designate such State as one in which the provisions of said sections of this act shall apply to operations and transactions wholly within such State: Provided, That if the Secretary has reason to believe that the State will activate such requirements within one additional year, he may delay such designation for said period, and not designate the State, if he determines at the end of the year that the State then has such requirements in effective operation. The Secretary shall publish any such designation in the Federal Register and, upon the expiration of thirty days after such publication, the provisions of said sections of this Act shall apply to operations and transactions and to persons engaged therein in the State, to the same extent and in the same manner as if such operations and transactions were conducted in or for commerce. However, notwithstanding any other provision of this section, if the Secretary determines that any establishment within a State is producing adulterated poultry products for distribution within such State which would clearly endanger the public health he shall notify the Governor of the State and the appropriate advisory committee provided for by subparagraph (a)(4) of this section of such fact for effective action under State or local law. If the State does not take action to prevent such endangering of the public health within a reasonable time after such notice, as determined by the Secretary, in light of the risk to public health, the Secretary may forthwith designate any such establishment as subject to the provisions of said sections of this Act, and thereupon the establishment and operator thereof shall be subject to such provisions

as though engaged in commerce until such time as the Secretary determines that such State has developed and will enforce requirements at least equal to those imposed under said sections.

(2) The provisions of this Act requiring inspection of the slaughter of poultry and the processing of poultry products shall not apply to operations of types traditionally and usually conducted at retail stores and restaurants, when conducted at any retail store or restaurant or similar retail-type establishment for sale in normal retail quantities or service of such articles to consumers at such establishments if such establishments are subject to such inspection provisions only under this paragraph (c).

(3) Whenever the Secretary determines that any State designated under this paragraph (c) has developed and will enforce State poultry products inspection requirements at least equal to those imposed under the aforesaid sections of this Act, with respect to the operations and transactions within such State which are regulated under subparagraph (1) of this paragraph (c), he shall terminate the designation of such State under this paragraph (c), but this shall not preclude the subsequent redesignation of the State at any time upon thirty days' notice to the Governor and publication in the Federal Register in accordance with this paragraph, and any State may be designated upon such notice and publication, at any time after the period specified in this paragraph whether or not the State has theretofore been designated, upon the Secretary determining that it is not effectively enforcing requirements at least equal to those imposed under said sections.

(4) The Secretary shall promptly upon enactment of the Wholesome Poultry Products Act, and periodically thereafter, but at least annually, review the requirements, including the enforcement thereof, of the several States not designated under this paragraph (c), with respect to the slaughter, and the processing, storage, handling, and distribution of poultry products, and inspection of such operations, and annually report thereon to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture and Forestry of the Senate in the report required in section 27 of this Act.

(5) Poultry products processed under State inspection at any establishment in any State, not designated under this paragraph (c), in accordance with requirements which the Secretary has determined are at least equal to those under sections 1-4, 6-10, and 12-22 of this Act, shall be eligible for distribution in commerce (including entry into any establishment at which inspection is maintained under this Act) upon the same basis as poultry products inspected under this Act, when they are marked under such supervision and other conditions as the Secretary may by regulation prescribe, with a combined State-Federal official inspection legend.

(d) As used in this section the term "State" means any State (including the Commonwealth of Puerto Rico) or organized territory.

ANTE MORTEM AND POST MORTEM INSPECTION, REINSPECTION, AND QUARANTINE

SEC. 6. (a) For the purpose of preventing the entry into or flow or movement in commerce [or a designated major consuming area] of, or the burdening of commerce by, any poultry product which is [unwholesome or adulterated] capable of use as human food and is adulterated, the Secretary shall, where and to the extent considered by him neces-

sary, cause to be made by inspectors ante mortem inspection of poultry in [any] *each* official establishment processing poultry or poultry products for commerce or [in, or for marketing in a designated city or area] *otherwise subject to inspection under this Act.*

(b) The Secretary, whenever processing operations are being conducted, shall cause to be made by inspectors post mortem inspection of the carcass of each bird processed, and at any time such quarantine, segregation, *and* reinspection as he deems necessary of poultry and poultry products *capable of use as human food* in each official establishment processing such poultry or poultry products for commerce or [in, or for marketing in a designated city or area] *otherwise subject to inspection under this Act.*

(c) All poultry carcasses and parts thereof and *other* poultry products found to be [unwholesome or] adulterated shall be condemned and shall, if no appeal be taken from such determination of condemnation, be destroyed for human food purposes under the supervision of an inspector: *Provided*, That carcasses, parts, and products, which may be reprocessing be made [not unwholesome and] not adulterated, need not be so condemned and destroyed if so reprocessed under the supervision of an inspector and thereafter found to be [not unwholesome and] not adulterated. If an appeal be taken from such determination, the carcasses, parts, or products shall be appropriately marked and segregated pending completion of an appeal inspection, which appeal shall be at the cost of the appellant if the Secretary determines that the appeal is frivolous. If the determination of condemnation is sustained the carcasses, parts, and products shall be destroyed for human food purposes under the supervision of an inspector.

SANITATION, FACILITIES, AND PRACTICES

SEC. 7. (a) Each official establishment slaughtering poultry or processing poultry products for commerce or [in or for marketing in a designated major consuming area] *otherwise subject to inspection under this Act* shall have such premises, facilities, and equipment, and be operated in accordance with such sanitary practices, as are required by regulations promulgated by the Secretary for the purpose of preventing the entry into or flow or movement in commerce or [in a designated major consuming area] *burdensome effect upon commerce*, of poultry products which are [unwholesome or] adulterated.

(b) The Secretary shall refuse to render inspection to any establishment whose premises, facilities, or equipment, or the operation thereof, fail to meet the requirements of this section.

LABELING AND CONTAINERS; STANDARDS

SEC. 8. (a) [Each shipping container of any poultry product] *All poultry products* inspected at any official establishment under the authority of this Act and found to be [wholesome and] not adulterated, shall at the time [such product leaves] *they leave* the [official] establishment bear, in distinctly legible form, [the official inspection mark, and the approved plant number of the official establishment in which the contents were processed] *on their shipping containers and immediate containers as the Secretary may require, the information required under paragraph (h) of section 4 of this Act.* [Each immediate container of any poultry product inspected under the authority of this Act and found

to be wholesome and not adulterated shall at the time such product leaves the official establishment bear, in addition to the official inspection mark, in distinctly legible form, the name of the product, a statement of ingredients if fabricated from two or more ingredients including a declaration as to artificial flavors, colors, or preservatives, if any, the net weight or other appropriate measure of the contents, the name and address of the processor and the approved plant number of the official establishment in which the contents were processed. The name and address of the distributor may be used in lieu of the name and address of the processor if the approved plant number is used to identify the official establishment in which the poultry product was prepared and packed. The Secretary may permit reasonable variations and grant exemptions from the foregoing labeling requirements in any manner not in conflict with the purposes of this Act.】

Subsection (b) of existing law is hereafter compared with proposed subsections (c) and (d).

(b) The Secretary, whenever he determines such action is necessary for the protection of the public, may prescribe: (1) the styles and sizes of type to be used with respect to material required to be incorporated in labeling to avoid false or misleading labeling in marking and labeling any articles or poultry subject to this Act; (2) definitions and standards of identity or composition or articles subject to this Act and standards of fill of container for such articles not inconsistent with any such standards established under the Federal Food, Drug, and Cosmetic Act, and there shall be consultation between the Secretary and the Secretary of Health, Education, and Welfare prior to the issuance of such standards under, either Act relating to articles subject to this Act to avoid inconsistency in such standards and possible impairment of the coordinated effective administration of these Acts. There shall also be consultation between the Secretary and an appropriate advisory committee provided for in section 5 of this Act, prior to the issuance of such standards under this Act, to avoid, insofar as feasible, inconsistency between Federal and State standards.

【b】 *(c) 【The use of any written, printed or graphic matter upon or accompanying any poultry product inspected or required to be inspected pursuant to the provisions of this Act or the container thereof which is false or misleading in any particular is prohibited.】 No 【poultry products inspected or required to be inspected pursuant to the provisions of】 article subject to this Act shall be sold or offered for sale by any person 【, firm, or corporation】 in commerce, under any 【false or deceptive】 name【;】 or other marking or labeling which is false or misleading, or in any container of a misleading form or size, but established trade 【name or】 names and other marking and labeling and containers 【which are usual to such products and】 which are not false 【and deceptive】 or misleading and which 【shall be】 are approved by the Secretary are permitted.*

(d) If the Secretary has reason to believe that any 【label】 marking or labeling or the size or form of any container in use or 【prepared for】 proposed for use with respect to any article subject to this Act is false or misleading in any particular, he may direct that 【the】 such use 【of the label】 be withheld unless 【it】 the marking, labeling, or container is modified in such manner as 【the Secretary】 he may prescribe so that it will not be false or misleading. If the person using or proposing to use the 【label】 marking, labeling, or container does not accept the

determination of the Secretary. **[he]** *such person* may request a hearing, but the use of the **[label]** *marking, labeling, or container* shall, if the Secretary so directs, be withheld pending hearing and final determination by the Secretary. Any such determination by the Secretary shall be conclusive unless, within thirty days after **[the]** receipt of notice of such final determination, the person adversely affected thereby appeals to the United States Court of Appeals for the circuit in which **[he has his]** *such person has its* principal place of business or to the United States Court of Appeals for the District of Columbia Circuit. The provisions of section 204 of the Packers and Stockyards Act **[of]**, 1921 (*42 Stat. 162*, as amended **[,]**; *7 U.S.C. 194*), shall be applicable to appeals taken under this section.

PROHIBITED ACTS

SEC. 9. (a) **[The following acts or the causing thereof are hereby prohibited:]** *No person shall—*

[a) The processing, sale or offering for sale, transportation, or delivery or receiving for transportation, in commerce or in a designated major consuming area of any poultry product, unless such poultry product has been inspected for wholesomeness and unless the shipping container, if any, and the immediate container are marked in accordance with the provisions of this Act.

[b) The sale or other disposition for human food of any poultry or poultry product which has been inspected and declared to be unwholesome or adulterated under this Act.]

(1) *slaughter any poultry or process any poultry products which are capable of use as human food at any establishment processing any such articles for commerce, except in compliance with the requirements of this Act;*

(2) *sell, transport, offer for sale or transportation, or receive for transportation in commerce, (A) any poultry products which are capable of use as human food and are adulterated or misbranded at the time of such sale, transportation, offer for sale or transportation, or receipt for transportation; or (B) any poultry products required to be inspected under this Act unless they have been so inspected and passed;*

(3) *do, with respect to any poultry products which are capable of use as human food, any act while they are being transported in commerce or held for sale after such transportation, which is intended to cause or has the effect of causing such products to be adulterated or misbranded;*

(4) *sell, transport, offer for sale or transportation, or receive for transportation, in commerce or from an official establishment, any slaughtered poultry from which the blood, feathers, feet, head, or viscera have not been removed in accordance with regulations promulgated by the Secretary, except as may be authorized by regulations of the Secretary;*

Proposed paragraph (5) is hereafter compared with existing subsection (h).

(b) *No brand manufacturer, printer, other person shall cast, print, lithograph, or otherwise make any device containing any official mark or simulation thereof, or any label bearing any such mark or simulation, or any form of official certificate or simulation thereof, except as authorized by the Secretary.*

(c) **[Falsely making or issuing, altering, forging, simulating, or counterfeiting any official inspection certificate, memorandum, mark,**

or other identification, or device for making such mark or identification, used in connection with the inspection of poultry or poultry products under this Act, or causing, procuring, aiding, assisting in, or being a party to, such false making, issuing, altering, forging, simulating, or counterfeiting, or knowingly possessing, without promptly notifying the Secretary of Agriculture or his representative, uttering, publishing, or using as true, or causing to be uttered, published, or used as true, any such falsely made or issued, altered, forged, simulated, or counterfeited official inspection certificate, memorandum, mark, or other identification, or device for making such mark or identification, or representing that any poultry or poultry product has been officially inspected under the authority of this Act when such poultry or poultry product has in fact not been so inspected.] *No person shall—*

(1) *forge any official device, mark, or certificate;*

(2) *without authorization from the Secretary use any official device, mark, or certificate, or simulation thereof, or alter, detach, deface, or destroy any official device, mark, or certificate;*

(3) *contrary to the regulations prescribed by the Secretary, fail to use, or to detach, deface, or destroy any official device, mark, or certificate;*

(4) *knowingly possess, without promptly notifying the Secretary or his representative, any official device or any counterfeit, simulated, forged, or improperly altered official certificate or any device or label or any carcass of any poultry, or part or product thereof, bearing any counterfeit, simulated, forged, or improperly altered official mark;*

(5) *knowingly make any false statement in any shipper's certificate or other nonofficial or official certificate provided for in the regulations prescribed by the Secretary; or*

(6) *knowingly represent that any article has been inspected and passed, or exempted, under this Act when, in fact, it has, respectively, not been so inspected and passed, or exempted.*

[(d) Using in commerce, or in a designated major consuming area, a false or misleading label on any poultry product.

[(e) The use of any container bearing an official inspection mark except for the poultry product in the original form in which it was inspected and covered by said mark unless the mark is removed, obliterated, or otherwise destroyed.

[(f) The refusal to permit access by any duly authorized representative of the Secretary, at all reasonable times, to the premises of an establishment engaged in processing poultry or poultry products for commerce, or in or for marketing in a designated major consuming area, upon presentation of appropriate credentials.

[(g) The refusal to permit access to and the copying of any record as authorized by section 11 of this Act.]

Existing subsection (h) is compared with proposed subsection (a) (5) as follows:

[(h)] (5) [(The using by any person] *use* to his own advantage, or [revealing,] *reveal* other than to the authorized representatives of the United States Government or any State or other government in their official capacity, or [to the courts when relevant] *as ordered by a court* in any judicial [proceeding] *proceedings* [under this Act,] any information acquired under the authority of this Act [,] concerning any matter which [as a trade secret] is entitled to protection *as a trade secret*.

[(i) Delivering, receiving, transporting, selling, or offering for sale or transport for human consumption any slaughtered poultry or any part thereof, separately or in combination with other ingredients (other than poultry products as defined in this Act), in commerce or from an official establishment or in a designated major consuming area, except as may be authorized by and pursuant to rules and regulations prescribed by the Secretary.]

COMPLETE COVERAGE OF OFFICIAL ESTABLISHMENTS

SEC. No establishment processing poultry or poultry products for commerce or [in or for marketing in a designated major consuming area] *otherwise subject to this Act* shall process any poultry or poultry product except in compliance with the requirements of this Act.

[RECORDS OF INTERSTATE SHIPMENT] *ARTICLES NOT INTENDED FOR HUMAN FOOD; RECORD AND RELATED REQUIREMENTS FOR PROCESSORS OF POULTRY PRODUCTS AND RELATED INDUSTRIES ENGAGED IN COMMERCE; REGISTRATION REQUIREMENTS FOR RELATED INDUSTRIES ENGAGED IN COMMERCE; REGULATION OF TRANSACTIONS IN COMMERCE IN DEAD, DYING, DISABLED, OR DISEASED POULTRY AND CARCASSES THEREOF; AUTHORITY TO REGULATE COMPARABLE INTRASTATE ACTIVITIES*

SEC. 11. (a) *Inspection shall not be provided under this Act at any establishment for the slaughter of poultry or the processing of any carcasses or parts or products of poultry, which are not intended for use as human food, but such articles shall, prior to their offer for sale or transportation in commerce, unless naturally inedible by humans, be denatured or otherwise identified as prescribed by regulations of the Secretary to deter their use for human food. No person shall buy, sell, transport, or offer for sale or transportation, or receive for transportation, in commerce, or import, any poultry carcasses or parts or products thereof which are not intended for use as human food unless they are denatured or otherwise identified as required by the regulations of the Secretary or are naturally inedible by humans.*

(b) [For the purpose of enforcing the provisions of this Act, persons engaged in the business of processing, transporting, shipping, or receiving poultry slaughtered for human consumption or poultry products in commerce or in a designated major consuming area, or holding such products so received shall maintain records showing, to the extent that they are concerned therewith, the receipt, delivery, sale, movement, or disposition of poultry and poultry products and shall, upon the request of a duly authorized representative of the Secretary, permit him at reasonable times to have access to and to copy all such records. Any record required to be maintained by this section shall be maintained for a period of two years after the transaction, which is the subject of such record, has taken place.] *The following classes of persons shall, for such period of time as the Secretary may by regulations prescribe, not to exceed two years unless otherwise directed by the Secretary for good cause shown, keep such records as are properly necessary for the effective enforcement of this Act in order to insure against adulterated or misbranded poultry products for the American consumer; and all persons subject to such requirements shall, at all reasonable times, upon notice by a duly authorized representative of the*

Secretary, afford such representative access to their places of business and opportunity to examine the facilities, inventory, and records thereof, to copy all such records, and to take reasonable samples of their inventory upon payment of the fair market value therefor—

(1) Any person that engages in the business of slaughtering any poultry or processing, freezing, packaging, or labeling any carcasses, or parts or products of carcasses, of any poultry, for commerce for use as human food or animal food;

(2) Any person that engages in the business of buying or selling (as poultry products brokers, wholesalers or otherwise), or transporting, in commerce, or storing in or for commerce, or importing, any carcasses, or parts or products of carcasses, of any poultry;

(3) Any person that engages in business, in or for commerce as a renderer, or engages in the business of buying, selling, or transporting, in commerce, or importing, any dead, dying, disabled, or diseased poultry or parts of the carcasses of any poultry that died otherwise than by slaughter.

(c) No person shall engage in business, in or for commerce, as a poultry products broker, renderer, or animal food manufacturer, or engage in business in commerce as a wholesaler of any carcasses, or parts or products of the carcasses, of any poultry, whether intended for human food or other purposes, or engage in business as a public warehouseman storing any such articles in or for commerce, or engage in the business of buying, selling, or transporting in commerce, or importing, any dead, dying, disabled, or diseased poultry, or parts of the carcasses of any poultry that died otherwise than by slaughter, unless, when required by regulations of the Secretary, he has registered with the Secretary his name, and the address of each place of business at which, and all trade names under which, he conducts such business.

(d) No person engaged in the business of buying, selling, or transporting in commerce, or importing, dead, dying, disabled, or diseased poultry, or any parts of the carcasses of any poultry that died otherwise than by slaughter, shall buy, sell, transport, offer for sale or transportation, or receive for transportation, in commerce, or import, any dead, dying, disabled, or diseased poultry or parts of the carcasses of any poultry that died otherwise than by slaughter, unless such transaction, transportation or importation is made in accordance with such regulations as the Secretary may prescribe to assure that such poultry, or the unwholesome parts or products thereof, will be prevented from being used for human food.

(e) The authority conferred on the Secretary by paragraph (b), (c), or (d) of this section with respect to persons engaged in the specified kinds of business in or for commerce may be exercised with respect to persons engaged, in any State, or organized territory, in such kinds of business but not in or for commerce, whenever the Secretary determines, after consultation with an appropriate advisory committee provided for in section 5 of this Act, that the State or territory does not have at least equal authority under its laws or such authority is not exercised in a manner to effectuate the purposes of this Act, including the State or territory providing for the Secretary or his representative being afforded access to such places of business and the facilities, inventories, and records thereof, and the taking of reasonable samples, where he determines necessary in carrying out his responsibilities under this Act; and in such case the provisions of paragraph (b), (c), or (d) of this section, respectively, shall apply to such persons to the same extent and in the same manner as if they were engaged

in such business in or for commerce and the transactions involved were in commerce.

PENALTIES

SEC. 12. (a) Any person who violates the provisions of section 9, 10, 11, 14, or 17 [,] *of this Act* shall be [guilty of a misdemeanor and shall on conviction thereof be subject to imprisonment for not more than six months, or a fine of not more than \$3,000, or both such imprisonment and fine; but if such violation is committed after one conviction of such person under this section has become final such person shall be subject to imprisonment for not more than one year, or a fine of not more than \$5,000, or both such imprisonment and fine; but if such violation is committed after two or more convictions of such person under this section have become final such person shall be subject to imprisonment for not more than two years, or a fine of not more than \$10,000, or both such imprisonment and fine] *fined not more than \$1,000 or imprisoned not more than one year, or both; but if such violation involves intent to defraud, or any distribution or attempted distribution of an article that is adulterated (except as defined in section 4(g)(8) of this Act), such person shall be fined not more than \$10,000 or imprisoned not more than three years, or both.* When construing or enforcing the provisions of said sections the act, omission, or failure of any person acting for or employed by any individual, partnership, corporation, or association within the scope of his employment or office shall in every case be deemed the act, omission, or failure of such individual, partnership, corporation, or association, as well as of such person.

(b) No carrier shall be subject to the penalties of this Act, other than the penalties for violation of section 11, by reason of his receipt, carriage, holding, or delivery, in the usual course of business, as a carrier, of [slaughtered] poultry or poultry products, owned by another person unless the carrier has knowledge, or is in possession of facts which would cause a reasonable person to believe that such [slaughtered] poultry or poultry products were not inspected or marked in accordance with the provisions of this Act or were [not] otherwise not eligible for transportation under this Act *or unless the carrier refuses to furnish on request of a representative of the Secretary the name and address of the person from whom he received such poultry or poultry products, and copies of all documents, if any there be, pertaining to the delivery of the poultry or poultry products to such carrier.*

(c) *Any person who forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person while engaged in or on account of the performance of his official duties under this Act shall be fined not more than \$5,000 or imprisoned not more than three years, or both. Whoever, in the commission of any such acts, uses a deadly or dangerous weapon, shall be fined not more than \$10,000 or imprisoned not more than ten years, or both. Whoever kills any person while engaged in or on account of the performance of his official duties under this Act shall be punished as provided under sections 1111 and 1114 of title 18, United States Code.*

REPORTING OF VIOLATIONS

SEC. 13. Before any violation of this Act is reported by the Secretary to any United States attorney for institution of a criminal proceeding, the person against whom such proceeding is contemplated shall be

given reasonable notice of the alleged violation and opportunity to present his views orally or in writing with regard to such contemplated proceeding. Nothing in this Act shall be construed as requiring the Secretary to report for criminal prosecution violations of this Act whenever he believes that the public interest will be adequately served and compliance with the Act obtained by a suitable written notice or warning.

REGULATIONS

SEC. 14. (a) *The Secretary may by regulations prescribe conditions under which poultry products capable of use as human food, shall be stored or otherwise handled by any person engaged in the business of buying, selling, freezing, storing, or transporting, in or for commerce, or importing, such articles, whenever the Secretary deems such action necessary to assure that such articles will not be adulterated or misbranded when delivered to the consumer. Violation of any such regulation is prohibited.*

(b) The Secretary shall promulgate such other rules and regulations as are necessary to carry out the provisions of this Act.

(c) *In applying the provisions of 5 U.S.C. § 553(c) to proposed rule making under this Act, an opportunity for the oral presentation of views shall be accorded all interested persons.*

EXEMPTIONS

SEC. 15. (a) The Secretary shall, by regulation and under such conditions as to sanitary standards, practices, and procedures as he may prescribe, exempt from specific provisions of this Act—

(1) [poultry producers with respect to poultry of their own raising on their own farms which they sell directly to household consumers or restaurants, hotels, and boarding houses for use in their own dining rooms or in the preparation of meals for sales direct to consumers only: *Provided*, That such poultry producers do not engage in buying or selling poultry products other than those produced from poultry raised on their own farms;

(2) [retail dealers with respect to poultry products sold directly to consumers in individual retail stores, if the only processing operation performed by such retail dealers is the cutting up of poultry products on the premises where such sales to consumers are made;

[(3)] (2) for such period of time as the Secretary determines that it would be impracticable to provide inspection and the exemption will aid in the effective administration of this Act, any person engaged in the processing of poultry or poultry products for commerce and the poultry or poultry products processed by such person: *Provided, however*, That no such exemption shall continue in effect on and after [July 1, 1960] *January 1, 1970*; and

[(4)] (3) persons slaughtering, processing, or otherwise handling poultry or poultry products which have been or are to be processed as required by recognized religious dietary laws, to the extent that the Secretary determines necessary to avoid conflict with such requirements while still effectuating the purposes of this Act.

(b) *The Secretary may, under such sanitary conditions as he may by regulations prescribe, exempt from the inspection requirements of this Act*

the slaughter of poultry, and the processing of poultry products, by any person in any Territory not organized with a legislative body, solely for distribution within such Territory, when the Secretary determines that it is impracticable to provide such inspection within the limits of funds appropriated for administration of this Act and that such exemption will aid in the effective administration of this Act.

(c)(1) The provisions of this Act shall not apply to (i) poultry producers with respect to poultry of their own raising on their own farms: Provided, That such producers slaughter not more than 4,000 turkeys, or not more than an equivalent number of birds of all species during the calendar year for which this exemption is being determined (4.5 birds of other species being deemed the equivalent of one turkey): Provided further, That such poultry producers do not engage in buying or selling poultry products other than those produced from poultry raised on their own farms: Provided further, That none of such poultry moves in commerce (as defined in section 4(a) of this Act) other than directly to household consumers or restaurants, hotels, and boarding houses for use in their own dining rooms or in the preparation of meals for sale direct to consumers only: Provided further, That such producers do not engage in selling dressed poultry or poultry products which are not sound, healthful, clean, and otherwise fit for human food; nor (ii) to any person who slaughters, processes, or sells poultry the wholesale dressed value of which does not exceed \$15,000 during the current calendar year: Provided, That none of such poultry moves in commerce (as defined in section 4(a) of this Act): Provided further, That such persons do not engage in selling dressed poultry or poultry products which are not sound, healthful, clean and otherwise fit for human food; nor (iii) to the slaughtering by any person of poultry of his own raising, and the processing by him and transportation in commerce of the poultry products exclusively for use by him and members of his household and his non-paying guests and employees; nor (iv) to the custom slaughter by any person of poultry delivered by the owner thereof for such slaughter, and the processing by such slaughterer and transportation in commerce of the poultry products exclusively for use, in the household of such owner, by him and members of his household and his nonpaying guests and employees: Provided, That such custom slaughterer does not engage in the business of buying or selling any poultry products capable of use as human food.

(2) In addition to the specific exemptions provided herein the Secretary shall, when he determines that the protection of consumers from adulterated or misbranded poultry products will not be impaired by such action, provide by regulation for further exempting the operation and products of small enterprises (including poultry producers) engaged in slaughtering and/or cutting up poultry for distribution as carcasses or parts thereof, which are subject to the provisions of this Act only under section 5(c) from such provisions of this Act as he deems appropriate, while still protecting the public from adulterated or misbranded products, under such conditions, including sanitary requirements, as he shall prescribe to effectuate the purposes of this Act: Provided, That any such further exemption may be revoked by the Secretary with respect to any establishment if he determines that the operations of an establishment under the exemption have resulted or will result in the distribution of adulterated or misbranded poultry products or that the operator of the establishment has failed to comply with the conditions of exemption.

(d) *The adulteration and misbranding provisions of this Act, other than the requirement of the inspection legend, shall apply to articles which are exempted from inspection or not required to be inspected under this section, exempt as otherwise specified under paragraphs (a) and (c).*

[(b)] (e) The Secretary may by order suspend or terminate any exemption under this section with respect to any person whenever he finds that such action will aid in effectuating the purposes of this Act.

[VIOLATIONS BY EXEMPTED PERSONS] ENTRY OF MATERIALS INTO OFFICIAL ESTABLISHMENTS

SEC. 16. [Any person who sells, delivers, transports or offers for sale or transportation in commerce or in a designated major consuming area any poultry or poultry products which are exempt under section 15, and which are unwholesome or adulterated and are intended for human consumption, shall be guilty of a misdemeanor and shall on conviction thereof be subject to the penalties set forth in section 12.] *The Secretary may limit the entry of poultry products and other materials into any official establishment, under such conditions as he may prescribe to assure that allowing the entry of such articles into such inspected establishments will be consistent with the purposes of this Act.*

IMPORTS

SEC. 17. (a) [No slaughtered poultry, or parts or products thereof, of any kind shall be imported into the United States unless they are healthful, wholesome, fit for human food, not adulterated, and contain no dye, chemical, preservative, or ingredient which renders them unhealthful, unwholesome, adulterated, or unfit for human food and unless they also comply with the rules and regulations made by the Secretary of Agriculture to assure that, imported poultry or poultry products comply with the standards provided for in this Act. All imported, slaughtered poultry, or parts or products thereof, shall after entry into the United States in compliance with such rules and regulations be deemed and treated as domestic slaughtered poultry, or parts or products thereof, within the meaning and subject to the provisions of this Act and the Federal Food, Drug, and Cosmetic Act, and Acts amendatory of, supplemental to, or in substitution for such Acts.] *No poultry products which are capable of use as human food shall be imported into the United States if such articles are adulterated or misbranded and unless they comply with all the inspection, building construction standards, and all other provisions of this Act and regulations issued thereunder applicable to such articles in commerce within the United States. All such imported articles shall, upon entry into the United States, be deemed and treated as domestic articles subject to the other provisions of this Act and the Federal Food, Drug, and Cosmetic Act: Provided, That they shall be marked and labeled as required by such regulations for imported articles: Provided further, That nothing in this section shall apply to any individual who purchases poultry products outside the United States for his own consumption except that the total amount of such poultry products shall not exceed fifty pounds.*

(b) [The Secretary of Agriculture is authorized to make rules and regulations to carry out the purposes of this section and in such rules and regulations the Secretary of Agriculture may prescribe the terms and conditions for the destruction of all slaughtered poultry, or parts

or products thereof, offered for entry and refused admission into the United States unless such slaughtered poultry, or parts or products thereof, be exported by the consignee within the time fixed therefor in such rules and regulations.】 *The Secretary may prescribe the terms and conditions for the destruction of all such articles which are imported contrary to this section, unless (1) they are exported by the consignee within the time fixed therefor by the Secretary, or (2) in the case of articles which are not in compliance with the Act solely because of misbranding, such articles are brought into compliance with the Act under supervision of authorized representatives of the Secretary.*

(c) All charges for storage, cartage, and labor with respect to any 【product which is refused admission pursuant】 *article which is imported contrary to this section shall be paid by the owner or consignee, and in default of such payment shall constitute a lien against 【any other products imported thereafter】 such article and any other article thereafter imported under this Act by or for such owner or consignee.*

(d) *The knowing importation of any article contrary to this section is prohibited.*

(e) *Not later than March 1 of each year the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture and Forestry of the Senate a comprehensive and detailed written report with respect to the administration of this section during the immediately preceding calendar year. Such report shall include, but shall not be limited to—*

(1) *a certification by the Secretary that foreign plants exporting poultry products referred to in subsection (a) of this section have complied with requirements at least equal to all the inspection, building construction standards, and all other provisions of this Act and regulations issued thereunder;*

(2) *the names and locations of plants authorized or permitted to have imported into the United States therefrom poultry products referred to in subsection (a) of this section;*

(3) *the number of inspectors employed by the Department of Agriculture in the calendar year concerned who were assigned to inspect plants referred to in paragraph (e)(2) hereof and the frequency with which each such plant was inspected by such inspectors;*

(4) *the number of inspectors licensed by each country from which any imports subject to the provisions of this section were imported who were assigned, during the calendar year concerned, to inspect such imports and the facilities in which such imports were handled and the frequency and effectiveness of such inspections; and*

(5) *the total volume of poultry products referred to in subsection (a) of this section which was imported into the United States during the calendar year concerned from each country, including a separate itemization of the volume of each major category of such imports from each country during such year, and a detailed report of rejections of plants and products because of failure to meet appropriate standards prescribed by this Act.*

GENERAL PROVISIONS

For SEC. 18. (a) 【the purpose of preventing and eliminating burdens on commerce in poultry and poultry products, the jurisdiction of the Secretary within the scope of this Act shall be exclusive and poultry and poultry products shall be exempt from the provisions of the Fed-

eral Food, Drug, and Cosmetic Act, as amended, to the extent of the application or the extension thereto of the provisions of this Act.

(b) In carrying out the provisions of this Act, the Secretary may cooperate with other branches of Government and with State agencies and may conduct such examinations, investigations, and inspections as he determines practicable through any officer or employee of a State commissioned by the Secretary for such purpose. *The Secretary may (for such period, or indefinitely, as he deems necessary to effectuate the purposes of this Act) refuse to provide, or withdraw, inspection service under this Act with respect to any establishment if he determines, after opportunity for a hearing is accorded to the applicant for, or recipient of, such service, that such applicant or recipient is unfit to engage in any business requiring inspection under this Act because the applicant or recipient or anyone responsibly connected with the applicant or recipient, has been convicted, in any Federal or State court, within the previous ten years of (1) any felony or more than one misdemeanor under any law based upon the acquiring, handling, or distributing of adulterated mislabeled, or deceptively packaged food or fraud in connection with transactions in food; or (2) any felony, involving fraud, bribery, extortion, or any other act or circumstance indicating a lack of the integrity needed for the conduct of operations affecting the public health. For the purpose of this paragraph a person shall be deemed to be responsibly connected with the business if he was a partner, officer, director, holder, or owner of 10 per centum or more of its voting stock or employee in a managerial or executive capacity.*

(b) Upon the withdrawal of inspection service from any official establishment for failure to destroy condemned poultry products as required under section 6 of this Act, or other failure of an official establishment to comply with the requirements as to premises, facilities, or equipment, or the operation thereof, as provided in section 7 of this Act, or the refusal of inspection service to any applicant therefor because of failure to comply with any requirements under section 7, the applicant for, or recipient of, the service shall, upon request, be afforded opportunity for a hearing with respect to the merits or validity of such action; but such withdrawal or refusal shall continue in effect unless otherwise ordered by the Secretary.

(c) The determination and order of the Secretary when made after opportunity for hearing, with respect to withdrawal or refusal of inspection service under this Act shall be final and conclusive unless the affected applicant for, or recipient of, inspection service files application for judicial review within thirty days after the effective date of such order in the United States Court of Appeals as provided in section 8 of this Act. Judicial review of any such order shall be upon the record upon which the determination and order are based. The provisions of section 204 of the Packers and Stockyards Act of 1921, as amended, shall be applicable to appeals taken under this section.

SEC. 19. Whenever any poultry product, or any product exempted from the definition of a poultry product, or any dead, dying, disabled, or diseased poultry is found by any authorized representative of the Secretary upon any premises where it is held for purposes of, or during or after distribution in, commerce or otherwise subject to this Act, and there is reason to believe that any such article is adulterated or misbranded and is capable of use as human food, or that it has not been inspected, in violation of the provisions of this Act or of any other Federal law or the laws of any

State or Territory, or the District of Columbia, or that it has been or is intended to be, distributed in violation of any such provisions, it may be detained by such representative for a period not to exceed twenty days, pending action under section 20 of this Act or notification of any Federal, State, or other governmental authorities having jurisdiction over such article or poultry, and shall not be moved by any person, from the place at which it is located when so detained, until released by such representative. All official marks may be required by such representative to be removed from such article or poultry before it is released unless it appears to the satisfaction of the Secretary that the article or poultry is eligible to retain such marks.

SEC. 20. (a) Any poultry product, or any dead, dying, disabled, or diseased poultry, that is being transported in commerce or otherwise subject to this Act, or is held for sale in the United States after such transportation, and that (1) is or has been processed, sold, transported, or otherwise distributed or offered or received for distribution in violation of this Act, or (2) is capable of use as human food and is adulterated or misbranded, or (3) in any other way is in violation of this Act, shall be liable to be proceeded against and seized and condemned, at any time, on a libel of information in any United States district court or other proper court as provided in section 21 of this Act within the jurisdiction of which the article or poultry is found. If the article or poultry is condemned it shall, after entry of the decree, be disposed of by destruction or sale as the court may direct and the proceeds, if sold, less the court costs and fees, and storage and other proper expenses, shall be paid into the Treasury of the United States, but the article or poultry shall not be sold contrary to the provisions of this Act, or the laws of the jurisdiction in which it is sold; Provided: That upon the execution and delivery of a good and sufficient bond conditioned that the article or poultry shall not be sold or otherwise disposed of contrary to the provisions of this Act, or the laws of the jurisdiction in which disposal is made, the court may direct that such article or poultry be delivered to the owner thereof subject to such supervision by authorized representatives of the Secretary as is necessary to insure compliance with the applicable laws. When a decree of condemnation is entered against the article or poultry and it is released under bond, or destroyed, court costs and fees, and storage and other proper expenses shall be awarded against the person, if any, intervening as claimant of the article or poultry. The proceedings in such libel cases shall conform, as nearly as may be, to the proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in any case, and all such proceedings shall be at the suit of and in the name of the United States.

(b) The provisions of this section shall in no way derogate from authority for condemnation or seizure conferred by other provisions of this Act, or other laws.

SEC. 21. The United States district courts, the District Court of Guam, the District Court of the Virgin Islands, the highest court of American Samoa, and the United States courts of the other territories, are vested with jurisdiction specifically to enforce, and to prevent and restrain violations of, this Act, and shall have jurisdiction in all other kinds of cases arising under this Act, except as provided in section 8(d) or 18 of this Act. All proceedings for the enforcement or to restrain violations of this Act shall be by and in the name of the United States. Subpenas for witnesses who are required to attend a court of the United States, in any district, may run into any other district in any such proceeding.

SEC. 22. For the efficient administration and enforcement of this Act, the provisions (including penalties) of sections 6, 8, 9, and 10 of the Federal Trade Commission Act, as amended (38 Stat. 721-723, as amended; 15 U.S.C. 46, 48, 49, and 50) (except paragraphs (c) through (h) of section 6 and the last paragraph of section 9), and the provisions of subsection 409(l) of the Communications Act of 1934 (48 Stat. 1096, as amended; 17 U.S.C. 409(l)), are made applicable to the jurisdiction, powers, and duties of the Secretary in administering and enforcing the provisions of this Act and to any person with respect to whom such authority is exercised. The Secretary, in person or by such agents as he may designate, may prosecute any inquiry necessary to his duties under this Act in any part of the United States, and the powers conferred by said sections 9 and 10 of the Federal Trade Commission Act as amended on the district courts of the United States may be exercised for the purposes of this Act by any court designated in section 21 of this Act.

SEC. 23. Requirements within the scope of this Act with respect to premises, facilities and operations of any official establishment, which are in addition to, or different than those made under this Act may not be imposed by any State or Territory or the District of Columbia, except that any such jurisdiction may impose recordkeeping and other requirements within the scope of paragraph (b) of section 11 of this Act, if consistent therewith, with respect to any such establishment. Marking, labeling, packaging, or ingredient requirements (or storage or handling requirements found by the Secretary to interfere with the free flow of poultry products in commerce) in addition to, or different than those made under this Act may not be imposed by any State or Territory or the District of Columbia with respect to articles prepared at any official establishment in accordance with the requirements under this Act, but any State or Territory or the District of Columbia may, consistent with the requirements under this Act, exercise concurrent jurisdiction with the Secretary over articles required to be inspected under this Act, for the purpose of preventing the distribution for human food purposes of any such articles which are adulterated or misbranded and are outside of such an establishment, or, in the case of imported articles which are not at such an establishment, after their entry into the United States. This Act shall not preclude any State or Territory or the District of Columbia from making requirement or taking other action, consistent with this Act, with respect to any other matters regulated under this Act.

SEC. 24. (a) Poultry and poultry products shall be exempt from the provisions of the Federal Food, Drug, and Cosmetic Act to the extent of the application or extension thereto of the provisions of this Act, except that the provisions of this Act shall not derogate from any authority conferred by the Federal Food, Drug, and Cosmetic Act prior to enactment of the Wholesome Poultry Products Act.

(b) The detainer authority conferred by section 19 of this Act shall apply to any authorized representative of the Secretary of Health, Education, and Welfare for purposes of the enforcement of the Federal Food, Drug, and Cosmetic Act with respect to any poultry carcass, or part or product thereof, that is outside any official establishment, and for such purposes the first reference to the Secretary in section 19 shall be deemed to refer to the Secretary of Health, Education, and Welfare.

COST OF INSPECTION

SEC. [19] 25. The cost of inspection rendered under the requirements of this Act, shall be borne by the United States, except that the cost of overtime and holiday work performed in establishments subject to the provisions of this Act at such rates as the Secretary may determine shall be borne by such establishments. Sums received by the Secretary in reimbursement for sums paid out by him for such premium pay work shall be available without fiscal year limitation to carry out the purposes of this section.

APPROPRIATIONS

SEC. [20] 26. There is hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.

SEC. 27. *The Secretary shall annually report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture and Forestry of the Senate with respect to the slaughter of poultry subject to this Act, and the preparation, storage, handling, and distribution of poultry parts, poultry products, and inspection of establishments operated in connection therewith, including the operations under and the effectiveness of this Act.*

SEC. [21] 27. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby.]

EFFECTIVE DATE

SEC. [22] 28. This Act shall take effect upon enactment, except that no person shall be subject to the provisions of this Act prior to January 1, 1959, unless such person after January 1, 1958, applies for and receives inspection for poultry or poultry products in accordance with the provisions of this Act and pursuant to regulations promulgated by the Secretary hereunder, in any establishment processing poultry or poultry products in commerce or in a designated major consuming area. Any person who voluntarily applies for and received such inspection after January 1, 1958, shall be subject, on and after the date he commences to receive such inspection, to all of the provisions and penalties provided for in this Act with respect to all poultry or poultry products handled in the establishment for which such said application for inspection is made.

* * * * *

FEDERAL MEAT INSPECTION ACT

* * * * *

SECTION 1. As used in this Act, except as otherwise specified, the following terms shall have the meanings stated below:

* * * * *

(t) The term "official inspection legend" means any symbol prescribed by regulations of the Secretary showing that an article was inspected and passed in accordance with this Act, *including any combined State-Federal official inspection legend prescribed by the Secretary under subparagraph (5) of section 301(c) of this Act.*

* * * * *

TITLE III—FEDERAL AND STATE COOPERATION

SEC. 301. (a) It is the policy of the Congress to protect the consuming public from meat and meat food products that are adulterated or misbranded and to assist in efforts by State and other Government agencies to accomplish this objective. In furtherance of this policy—

(1) The Secretary is authorized, whenever he determines that it would effectuate the purposes of this Act, to cooperate with the appropriate State agency in developing and administering a State meat inspection program in any State which has enacted a State meat inspection law that imposes mandatory ante mortem and post mortem inspection, reinspection and sanitation requirements that are at least equal to those under title I of this Act, with respect to all or certain classes of persons engaged in the State in slaughtering cattle, sheep, swine, goats, or equines, or preparing the carcasses, parts thereof, meat or meat food products, of any such animals for use as human food solely for distribution within such State.

(2) The Secretary is further authorized, whenever he determines that it would effectuate the purposes of this Act, to cooperate with appropriate State agencies in developing and administering State programs under State laws containing authorities at least equal to those provided in title II of this Act; and to cooperate with other agencies of the United States in carrying out any provisions of this Act.

(3) Cooperation with State agencies under this section may include furnishing to the appropriate State agency (i) advisory assistance in planning and otherwise developing an adequate State program under the State law; and (ii) technical and laboratory assistance and training (including necessary curricular and instructional materials and equipment), and financial and other aid for administration of such a program. The amount to be contributed to any State by the Secretary under this section from Federal funds for any year shall not exceed 50 per centum of the estimated total cost of the cooperative program; and the Federal funds shall be allocated among the States desiring to cooperate on an equitable basis. Such cooperation and payment shall be contingent at all times upon the administration of the State program in a manner which the Secretary, in consultation with the appropriate advisory committee appointed under paragraph (4), deems adequate to effectuate the purposes of this section.

(4) The Secretary may appoint advisory committees consisting of such representatives of appropriate State agencies as the Secretary and the State agencies may designate to consult with him concerning State and Federal programs with respect to meat inspection and other matters within the scope of this Act, including evaluating State programs for purposes of this Act and obtaining better coordination and more uniformity among the State programs and between the Federal and State programs and adequate protection of consumers.

(b) The appropriate State agency with which the Secretary may cooperate under this Act shall be a single agency in the State which is primarily responsible for the coordination of the State programs having objectives similar to those under this Act. When the State

program includes performance of certain functions by a municipality or other subordinate governmental unit, such unit shall be deemed to be a part of the State agency for purposes of this section.

“(c)(1) If the Secretary has reason to believe, by thirty days prior to the expiration of two years after enactment of the Wholesome Meat Act, that a State has failed to develop or is not enforcing, with respect to all establishments within its jurisdiction (except those that would be exempted from Federal inspection under subparagraph (2)) at which cattle, sheep, swine, goats, or equines are slaughtered, or their carcasses, or parts or products thereof, are prepared for use as human food, solely for distribution within such State, and the products of such establishments, requirements at least equal to those imposed under title I and IV of this Act, he shall promptly notify the Governor of the State of this fact. If the Secretary determines, after consultation with the Governor of the State, or representative selected by him, that such requirements have not been developed and activated, he shall promptly after the expiration of such two-year period designate such State as one in which the provisions of titles I and IV of this Act shall apply to operations and transactions wholly within such State: *Provided*, That if the Secretary has reason to believe that the State will activate such requirements within one additional year, he may delay such designation for said period, and not designate the State, if he determines at the end of the year that the State then has such requirements in effective operation. The Secretary shall publish any such designation in the Federal Register and, upon the expiration of thirty days after such publication, the provisions of titles I and IV shall apply to operations and transactions and to persons, firms, and corporations engaged therein in the State to the same extent and in the same manner as if such operations and transactions were conducted in or for commerce. Thereafter, upon request of the Governor, the Secretary shall revoke such designation if the Secretary determines that such State has developed and will enforce requirements at least equal to those imposed under title I and title IV of this Act: *And provided further*, That, notwithstanding any other provision of this section, if the Secretary determines that any establishment within a State is producing adulterated meat or meat food products for distribution within such State which would clearly endanger the public health he shall notify the Governor of the State and the appropriate Advisory Committee provided by section 301 of the Act of such fact for effective action under State or local law. If the State does not take action to prevent such endangering of the public health within a reasonable time after such notice, as determined by the Secretary, in light of the risk to public health, the Secretary may forthwith designate any such establishment as subject to the provisions of titles I and IV of the Act, and thereupon the establishment and operator thereof shall be subject to such provisions as though engaged in commerce until such time as the Secretary determines that such State has developed and will enforce requirements at least equal to those imposed under title I and title IV of this Act.

(2) The provisions of this Act requiring inspection of the slaughter of animals and the preparation of carcasses, parts thereof, meat and meat food products shall not apply to operations of types traditionally and usually conducted at retail stores and restaurants, when conducted at any retail store or restaurant or similar retail-type establishment

for sale in normal retail quantities or service of such articles to consumers at such establishments if such establishments are subject to such inspection provisions only under this paragraph (c).

(3) Whenever the Secretary determines that any State designated under this paragraph (c) has developed and will enforce State meat inspection requirements at least equal to those imposed under titles I and IV, with respect to the operations and transactions within such State which are regulated under subparagraph (1), he shall terminate the designation of such State under this paragraph (c), but this shall not preclude the subsequent redesignation of the State at any time upon thirty days notice to the Governor and publication in the Federal Register in accordance with this paragraph, and any State may be designated upon such notice and publication at any time after the period specified in this paragraph whether or not the State has theretofore been designated upon the Secretary determining that it is not effectively enforcing requirements at least equal to those imposed under titles I and IV.

(4) The Secretary shall promptly upon enactment of the Wholesome Meat Act and periodically thereafter, but at least annually, review the requirements, including the enforcement thereof, of the several States not designated under this paragraph (c), with respect to the slaughter, and the preparation, storage, handling and distribution of carcasses, parts thereof, meat and meat food products, of such animals, and inspection of such operations, and annually report thereon to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture and Forestry of the Senate in the report required under section 17 of the Wholesome Meat Act.

(5) Notwithstanding any other provisions of this Act, carcasses, parts thereof, meat and meat food products prepared under State inspection at any establishment in any State, not designated under this paragraph (c), in accordance with requirements which the Secretary has determined are at least equal to those under titles I and IV of this Act, shall be eligible for distribution in commerce (including entry into any establishment at which inspection is maintained under title I) upon the same basis as carcasses, parts thereof, meat and meat food products inspected until title I, when they are marked under such supervision and other conditions as the Secretary may by regulation prescribe, with a combined State-Federal official inspection legend.

(d) As used in this section, the term "State" means any State (including the Commonwealth of Puerto Rico) or organized Territory.

MINORITY VIEWS

CONSUMER PROTECTION

It was the committee's intent in reporting out S. 2932 to afford as complete consumer protection against adulterated or misbranded poultry products as was provided to consumers of red meat by enactment of the Wholesome Meat Act last year.

The measure provides the necessary authority for effective Federal-State cooperation in developing State inspection programs with respect to intrastate commerce which will be at least equal to the Federal inspection program with provision that if thereunder a State fails to provide for and enforce an inspection program at least equal to the Federal program within the 2-year period provided, then the citizens of the State will be provided the protection of Federal inspection with respect to all poultry products produced within a State in the interim. If any plant operating within a State produces poultry products which are a clear threat to the public health, the Federal program inspection requirements can be made applicable to such plant thereby preventing further endangering the health of consumers by the product of the plant.

The bill also effectuates improvements in the Federal inspection program, particularly in the area of providing authority which will aid in the more effective enforcement thereof.

WEAKNESSES OF BILL

However, the bill as reported by the committee contains certain provisions which would adversely affect the attainment of the full protection against adulterated or misbranded poultry products which the consumer public is entitled to. Some of the provisions would, in certain instances, reduce the degree of protection afforded the public under the present Poultry Products Inspection Act and would, therefore, conflict with the committee's intent to strengthen consumer protection.

(a) *Condemnation inhibited*.—The committee amended section 3 of the bill containing a statement of legislative policy by adding at the end thereof the following: "It is the intent of Congress that all poultry which is injurious for human consumption shall be condemned. The reason for condemnation must be supported by substantive scientific fact."

This amendment, first of all, is inconsistent with the substantive provisions of the bill which clearly indicate the concern of the Congress in protecting the consumers from all adulterated products, not only those injurious to humans, as indicated by the provisions for condemnation of adulterated poultry products. Secondly, the last sentence of the amendment would indicate that it is the intention that "substantive scientific fact" would have to be established as a prerequisite to a valid condemnation of any poultry product.

This amendment would raise serious problems in that there are a number of circumstances or conditions which under the act warrant condemnation of poultry products with respect to which there may not be available substantive scientific fact and in some cases such facts would necessarily not be involved. There are conditions warranting condemnation but with respect to which there may not be positive "substantive scientific fact" to establish their potential injury to humans. The adulteration provisions of the bill dealing with commercial fraud, such as the substitution of inferior material to deceive the public, do not in any way involve "substantive scientific facts." Fully aware of the objectives that were in mind at the time this amendment was offered it is our belief that substituted language in lieu of the amendment would accomplish the goals of this act and at the same time provide for a uniform inspection system, while avoiding interference with justified condemnation.

(b) *Interstate shipment of State-inspected products.*—S. 2932 as introduced in section 5 amended section 5 of the Poultry Products Inspection Act to include, among other provisions, subsection 5(c)(5) providing in substance that poultry products processed under State inspection at any establishment in any State not made subject to Federal inspection under requirements at least equal to those provided for Federal inspection would be eligible for distribution in interstate commerce, the same as poultry products inspected under this act.

The House wisely voted to delete this provision from the House-passed bill, H.R. 16363. Senator Montoya, one of the authors of S. 2932, and others, recommended to the Senate committee that it, too, delete the proposed, "subsection 5(c)(5)" because it was unwarranted, unjustified, and untimely.

The committee, however, approved this provision with an amendment providing that products from such an establishment would be eligible for entry into any establishment at which Federal inspection is maintained. In addition, an amendment adding section 20 to S. 2932 would amend the Federal Meat Inspection Act to incorporate comparable provisions in that act.

These provisions would endanger the present Federal inspection programs with respect to both poultry and meat products and threaten the uniformity of inspection at a time when the records before the committees of Congress with respect to both of these areas indicate the need for substantial accomplishment under Federal and State cooperation before it can be expected that full protection of the consumer public with respect to all poultry and meat products can be achieved. Few States presently have any type of inspection program with respect to poultry and those few that do fall far short of being at least equal to the Federal program.

The cooperative program provided under the Wholesome Meat Act is in its infancy and it is too early to anticipate attainment of the end objective thereof which certainly is a prerequisite to any serious consideration of provisions such as those here referred to. It is questionable that these amendments could in any event be meaningful in the immediate future.

Under such proposed provisions until such time as a comprehensive State program applicable to all meat and poultry produced and distributed within a State at least equal to the Federal program is effec-

tively administered in a State, substantial Federal supervision would be an essential condition of approval of an establishment if the consumer was to receive the protection contemplated by the acts and if the integrity of the Federal programs were to be maintained.

Under the language of these provisions it would appear that although such a comprehensive State program did not prevail, an individual establishment in a State upon the basis that at least equal State requirements were being administered with respect to the processing within the establishment could apply for approval and be approved for the movement of its product in interstate commerce. Under these circumstances it would be extremely difficult to insure that adulterated or misbranded products did not move in interstate commerce.

It is true that both the meat inspection law and the proposed poultry inspection legislation call for State programs which are at least equal to the Federal inspection. But these provisions will not mean that State programs will be as totally effective as the Federal one in every aspect. There will be variations in the provisions and in the enforcement from State to State and between the State and Federal programs.

We believe that taking such congressional actions now, while many plants are making preparations to meet the new requirements and many States are changing their inspection programs, can only sow confusion and doubt about how rigorous and how meaningful a consumer-protection program Congress really wants.

Any plant shipping into interstate commerce can get Federal inspection free of charge right now providing it meets the requirements. There is no reason to begin a competition between the Federal program and the State ones on which can attract more clients. We can foresee conditions existing which will entice unscrupulous producers and processors to shop around for the States with the least rigid enforcement practices where they can establish plants free from the effective Federal inspection thus exposing not only the consumers within the State but throughout the Nation to possible unwholesome meat and poultry products. The confidence of the consumer would be destroyed and the industry would be the loser.

(c) *Exemptions.*—The committee amended section 14 of S. 2932, which amends section 15 of the Poultry Products Inspection Act, by providing in subsection (c) thereof for substantial exemptions from all provisions of the act to producers with respect to poultry of their own raising who do not slaughter or process more than 4,000 head of turkeys or equivalent number of birds of other species, on the ratio of $4\frac{1}{2}$ to 1, and to any person engaged in the slaughter, processing, or selling of poultry the wholesale dressed value of which does not exceed \$15,000 in the current year. These exemptions are limited to intrastate commerce, except in the case of producers who would be authorized to move their product in interstate commerce, to a household consumer, restaurant, boardinghouses, and similar establishments.

These provisions in subsection 15(c)(1) will undermine the intent of the legislation to increase the protection afforded consumers of poultry. By reason of the broad exemptions from all provisions of the act, they would constitute an open invitation for such enterprises to expose the consumers to the very things which we are attempting to protect them from. These enterprises would not be subject to sanitary requirements or inspection with respect to such requirements, the

keeping of records or the making of records available, or requirements for labeling or identification of poultry products. As a result effectuating the purposes of the act in protecting the consumers or enforcing the provisions of the exemptions would be, if not impossible, extremely difficult and costly.

While it is recognized that a definite need may exist to exempt certain small operations from costly, impracticable, continuous inspection, any such exemption should be subject to such conditions as are necessary to insure full protection of the consumer public from adulterated or deceptively labeled product. The Secretary of Agriculture subject to a statutory maximum limitation, should be vested with the authority with respect to any such exemption to determine and establish the level of production under which exemptions should apply and the safeguards which are necessary to protect the public and permit adequate enforcement of necessary conditions of the exemptions. It is hoped consideration of these amendments by the Senate and the conferees will result in action to afford this needed protection to consumers.

OTHER AMENDMENTS

The foregoing amendments raise the major problems which should be given further consideration. There are in addition to the foregoing, other amendments which it is to be hoped will be given further consideration with a view in mind of the need for the very best protection of the consumer. The amendment to subsection 4(h)(12), which would eliminate authority to require identification of nonconsumer packaged poultry carcasses shipped in bulk, which is important to effective enforcement, the mandatory prescription of form of inspection legend rather than leaving this to the discretion of the Secretary, under the amendment to subsection 4(m), the elimination of the recognition of effective State regulation of retail operations, under the amendment to section 13 and the companion amendment to new section 23 which is added by section 18 of the bill, and the mandatory requirement of opportunity for oral presentation of views in connection with rulemaking in the amendment to section 13 of the bill, would warrant such further consideration.

IMPROVEMENT IN BILL

The committee is to be congratulated upon not accepting the House amendment incorporated in H.R. 16363 amending section 9(a) of the Poultry Products Inspection Act which provided that no person shall "knowingly" violate certain provisions of the act. This provision added by the House would have made prosecution for violations of the act much more difficult if not impossible.

Rejection of this amendment by the Senate committee maintained this provision of the Poultry Products Inspection Act in conformity with other statutes for protection of the public health, such as the Federal Food, Drug, and Cosmetic Act and the Federal Meat Inspection Act. It also recognized the need for putting affirmative responsibility on persons engaged in producing or distributing products which are susceptible of endangering the public health or committing

commercial fraud on the public to exercise all necessary precautions to avoid these results. The Senate version in this respect is a substantial improvement over H.R. 16363 and will aid in effectuating the purpose of protecting the consumer.

JOSEPH M. MONTOYA.
WALTER F. MONDALE.
GEORGE S. MCGOVERN.
MARK O. HATFIELD.

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90TH CONGRESS
2D SESSION

Calendar No. 1430

S. 2932

[Report No. 1449]

IN THE SENATE OF THE UNITED STATES

FEBRUARY 6, 1968

Mr. ELLENDER (by request) (for himself, Mr. ANDERSON, Mr. BYRD of West Virginia, Mr. CLARK, Mr. FONG, Mr. HART, Mr. HARTKE, Mr. INOUE, Mr. LONG of Missouri, Mr. MCGEE, Mr. MONRONEY, Mr. MONTONA, Mr. RANDOLPH, Mr. YARBOROUGH, and Mr. YOUNG of Ohio) introduced the following bill; which was read twice and referred to the Committee on Agriculture and Forestry

JULY 23, 1968

Reported by Mr. JORDAN of North Carolina, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To clarify and otherwise amend the Poultry Products Inspection Act, to provide for cooperation with appropriate State agencies with respect to State poultry products inspection programs, and for other purposes.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That this Act may be cited as the "Wholesome Poultry
- 4 Products Act".

1 SEC. 2. Section 2 of the Poultry Products Inspection
2 Act (71 Stat. 441, as amended; 21 U.S.C. 451) is hereby
3 amended to read:

4 “SEC. 2. Poultry and poultry products are an important
5 source of the Nation’s total supply of food. They are con-
6 sumed throughout the Nation and the major portion thereof
7 moves in interstate or foreign commerce. It is essential in
8 the public interest that the health and welfare of consumers
9 be protected by assuring that poultry products distributed to
10 them are wholesome, not adulterated, and properly marked,
11 labeled, and packaged. Unwholesome, adulterated, or mis-
12 branded poultry products impair the effective regulation of
13 poultry products in interstate or foreign commerce, are in-
14 jurious to the public welfare, destroy markets for wholesome,
15 not adulterated, and properly labeled and packaged poultry
16 products, and result in sundry losses to poultry producers and
17 processors of poultry and poultry products, as well as injury
18 to consumers. The unwholesome, adulterated, mislabeled, or
19 deceptively packaged articles can be sold at lower prices and
20 complete unfairly with the wholesome, not adulterated, and
21 properly labeled and packaged articles, to the detriment of
22 consumers and the public generally. It is hereby found that
23 all articles and poultry which are regulated under this Act
24 are either in interstate or foreign commerce or substantially
25 affect such commerce, and that regulation by the Secretary

1 of Agriculture and cooperation by the States and other juris-
2 dictions as contemplated by this Act are appropriate to pre-
3 vent and eliminate burdens upon such commerce, to effec-
4 tively regulate such commerce, and to protect the health and
5 welfare of consumers.”

6 SEC. 3. Section 3 of said Act (21 U.S.C. 452) is hereby
7 amended to read:

8 “SEC. 3. It is hereby declared to be the policy of the Con-
9 gress to provide for the inspection of poultry and poultry
10 products and otherwise regulate the processing and distribu-
11 tion of such articles as hereinafter prescribed to prevent the
12 movement or sale in interstate or foreign commerce of, or
13 the burdening of such commerce by poultry products which
14 are adulterated or misbranded.”

15 SEC. 4. Section 4 of said Act (21 U.S.C. 453) is hereby
16 amended to read: “For purposes of this Act—

17 “(a) The term ‘commerce’ means commerce between
18 any State, any territory, or the District of Columbia, and
19 any place outside thereof; or within any territory not orga-
20 nized with a legislative body; or the District of Columbia.

21 “(b) Except as otherwise provided in this Act, the term
22 ‘State’ means any State of the United States and the Com-
23 monwealth of Puerto Rico.

24 “(c) The term ‘territory’ means Guam, the Virgin Is-

1 prohibited by regulations of the Secretary in official
2 establishments;

3 ~~“(3) if it consists in whole or in part of any filthy,~~
4 ~~putrid, or decomposed substance or is for any other rea-~~
5 ~~son unsound, unhealthful, unwholesome, or otherwise~~
6 ~~unfit for human food;~~

7 ~~“(4) if it has been prepared, packed, or held under~~
8 ~~insanitary conditions whereby it may have become con-~~
9 ~~taminated with filth, or whereby it may have been~~
10 ~~rendered injurious to health;~~

11 ~~“(5) if it is, in whole or in part, the product of any~~
12 ~~poultry which has died otherwise than by slaughter;~~

13 ~~“(6) if its container is composed, in whole or in~~
14 ~~part, of any poisonous or deleterious substance which~~
15 ~~may render the contents injurious to health;~~

16 ~~“(7) if it has been intentionally subjected to radia-~~
17 ~~tion, unless the use of the radiation was in conformity~~
18 ~~with a regulation or exemption in effect pursuant to~~
19 ~~section 409 of the Federal Food, Drug, and Cosmetic~~
20 ~~Act; or~~

21 ~~“(8) if any valuable constituent has been in whole~~
22 ~~or in part omitted or abstracted therefrom; or if any~~
23 ~~substance has been substituted, wholly or in part there-~~
24 ~~for; or if damage or inferiority has been concealed in any~~
25 ~~manner; or if any substance has been added thereto or~~

1 mixed or packed therewith so as to increase its bulk or
2 weight, or reduce its quality or strength, or make it
3 appear better or of greater value than it is.

4 “(h) The term ‘misbranded’ shall apply to any poultry
5 product under one or more of the following circumstances:

6 “(1) if its labeling is false or misleading in any
7 particular;

8 “(2) if it is offered for sale under the name of an-
9 other food;

10 “(3) if it is an imitation of another food, unless its
11 label bears, in type of uniform size and prominence, the
12 word ‘imitation’ and immediately thereafter, the name
13 of the food imitated;

14 “(4) if its container is so made, formed, or filled as
15 to be misleading;

16 “(5) unless it bears a label showing (A) the name
17 and the place of business of the manufacturer, packer,
18 or distributor; and (B) an accurate statement of the
19 quantity of the product in terms of weight, measure, or
20 numerical count: *Provided*, That under clause (B) of
21 this subparagraph (5), reasonable variations may be
22 permitted, and exemptions as to small packages or
23 articles not in packages or other containers may be estab-
24 lished by regulations prescribed by the Secretary;

25 “(6) if any word, statement, or other information

1 required by or under authority of this Act to appear on
2 the label or other labeling is not prominently placed
3 thereon with such conspicuousness (as compared with
4 other words, statements, designs, or devices, in the
5 labeling) and in such terms as to render it likely to be
6 read and understood by the ordinary individual under
7 customary conditions of purchase and use;

8 “(7) if it purports to be or is represented as a food
9 for which a definition and standard of identity or compo-
10 sition has been prescribed by regulations of the Secre-
11 tary under section 8 of this Act unless (A) it conforms
12 to such definition and standard, and (B) its label bears
13 the name of the food specified in the definition and stand-
14 ard and, insofar as may be required by such regulations,
15 the common names of optional ingredients (other than
16 spices, flavoring, and coloring) present in such food;

17 “(8) if it purports to be or is represented as a food
18 for which a standard or standards of fill of container have
19 been prescribed by regulations of the Secretary under
20 section 8 of this Act, and it falls below the standard of
21 fill of container applicable thereto, unless its label bears,
22 in such manner and form as such regulations specify, a
23 statement that it falls below such standard;

24 “(9) if it is not subject to the provisions of sub-
25 paragraph (7), unless its label bears (A) the common or

usual name of the food, if any there be, and ~~(B)~~ in case it is fabricated from two or more ingredients, the common or usual name of each such ingredient; except that spices, flavorings, and colorings may, when authorized by the Secretary, be designated as spices, flavorings, and colorings without naming each: *Provided*, That to the extent that compliance with the requirements of clause ~~(B)~~ of this subparagraph ~~(9)~~ is impracticable or results in deception or unfair competition, exemptions shall be established by regulations promulgated by the Secretary;

“~~(10)~~ if it purports to be or is represented for special dietary uses unless its label bears such information concerning its vitamin, mineral, and other dietary properties as the Secretary, after consultation with the Secretary of Health, Education, and Welfare, determines to be, and by regulations prescribes as, necessary in order fully to inform purchasers as to its value for such uses;

“~~(11)~~ if it bears or contains any artificial flavoring, artificial coloring, or chemical preservative, unless it bears labeling stating that fact: *Provided*, That, to the extent that compliance with the requirements of this subparagraph ~~(11)~~ is impracticable, exemptions shall be established by regulations promulgated by the Secretary; or

1 “(12) if it fails to bear, directly thereon and on its
2 containers, as the Secretary may by regulations pre-
3 scribe, the official inspection legend and official estab-
4 lishment number of the establishment where the article
5 was processed, and, unrestricted by any of the fore-
6 going, such other information as the Secretary may
7 require in such regulations to assure that it will not have
8 false or misleading labeling and that the public will be
9 informed of the manner of handling required to main-
10 tain the article in a wholesome condition.

11 “(i) The term ‘Secretary’ means the Secretary of Agri-
12 culture or his delegate.

13 “(j) The term ‘person’ means any individual, partner-
14 ship, corporation, association, or other business unit.

15 “(k) The term ‘inspector’ means: (1) an employee or
16 official of the United States Government authorized by the
17 Secretary to inspect poultry and poultry products under the
18 authority of this Act, or (2) any employee or official of the
19 government of any State or territory or the District of
20 Columbia authorized by the Secretary to inspect poultry and
21 poultry products under authority of this Act, under an agree-
22 ment entered into between the Secretary and the appropriate
23 State or other agency.

24 “(l) The term ‘official mark’ means the official inspec-
25 tion legend or any other symbol prescribed by regulations of

1 the Secretary to identify the status of any article or poultry
2 under this Act.

3 “~~(m)~~ The term ‘official inspection legend’ means any
4 symbol prescribed by regulations of the Secretary showing
5 that an article was inspected and passed in accordance with
6 this Act, including any combined State-Federal official in-
7 spection legend prescribed by the Secretary under subpara-
8 graph 5 ~~(c)~~ ~~(5)~~ of this Act.

9 “~~(n)~~ The term ‘official certificate’ means any certificate
10 prescribed by regulations of the Secretary for issuance by an
11 inspector or other person performing official functions under
12 this Act.

13 “~~(o)~~ The term ‘official device’ means any device pre-
14 scribed or authorized by the Secretary for use in applying
15 any official mark.

16 “~~(p)~~ The term ‘official establishment’ means any estab-
17 lishment as determined by the Secretary at which inspection
18 of the slaughter of poultry, or the processing of poultry prod-
19 ucts, is maintained under the authority of this Act.

20 “~~(q)~~ The term ‘inspection service’ means the official
21 Government service within the Department of Agriculture
22 designated by the Secretary as having the responsibility for
23 carrying out the provisions of this Act.

24 “~~(r)~~ The term ‘container’ or ‘package’ includes any box,
25 can, tin, cloth, plastic, or other receptacle, wrapper, or cover.

1 “(s) The term ‘label’ means a display of written,
 2 printed, or graphic matter upon any article or the immediate
 3 container (not including package liners) of any article; and
 4 the term ‘labeling’ means all labels and other written,
 5 printed, or graphic matter (1) upon any article or any of
 6 its containers or wrappers; or (2) accompanying such
 7 article.

8 “(t) The term ‘shipping container’ means any container
 9 used or intended for use in packaging the product packed
 10 in an immediate container.

11 “(u) The term ‘immediate container’ includes any con-
 12 sumer package; or any other container in which poultry
 13 products, not consumer packaged, are packed.

14 “(v) The term ‘capable of use as human food’ shall
 15 apply to any carcass, or part or product of a carcass, of any
 16 poultry, unless it is denatured or otherwise identified as re-
 17 quired by regulations prescribed by the Secretary to deter its
 18 use as human food, or it is naturally inedible by humans.

19 “(w) The term ‘processed’ means slaughtered, canned,
 20 salted, stuffed, rendered, boned, cut up, or otherwise manu-
 21 factured or processed.

22 “(x) The term ‘Federal Food, Drug, and Cosmetic
 23 Act’ means the Act so entitled, approved June 25, 1938
 24 (52 Stat. 1040), and Acts amendatory thereof or supple-
 25 mentary thereto.

1 ~~“(y) The terms ‘pesticide chemical’, ‘food additive’,~~
 2 ~~‘color additive’, and ‘raw agricultural commodity’ shall have~~
 3 ~~the same meanings for purposes of this Act as under the~~
 4 ~~Federal Food, Drug, and Cosmetic Act.~~

5 ~~“(z) The term ‘poultry products broker’ means any~~
 6 ~~person engaged in the business of buying or selling poultry~~
 7 ~~products on commission, or otherwise negotiating purchases~~
 8 ~~or sales of such articles other than for his own account or as~~
 9 ~~an employee of another person.~~

10 ~~“(aa) The term ‘renderer’ means any person engaged~~
 11 ~~in the business of rendering carcasses, or parts or products~~
 12 ~~of the carcasses, of poultry, except rendering conducted~~
 13 ~~under inspection or exemption under this Act.~~

14 ~~“(bb) The term ‘animal food manufacturer’ means any~~
 15 ~~person engaged in the business of manufacturing or process-~~
 16 ~~ing animal food derived wholly or in part from carcasses, or~~
 17 ~~parts or products of the carcasses, of poultry.”~~

18 ~~SEC. 5. Section 5 of said Act (21 U.S.C. 454) is hereby~~
 19 ~~amended to read:~~

20 ~~“SEC. 5. (a) It is the policy of the Congress to protect~~
 21 ~~the consuming public from poultry products that are adulter-~~
 22 ~~ated or misbranded and to assist in efforts by State and other~~
 23 ~~Government agencies to accomplish this objective. In fur-~~
 24 ~~therance of this policy—~~

25 ~~“(1) The Secretary is authorized, whenever he~~

1 determines that it would effectuate the purposes of this
2 Act, to cooperate with the appropriate State agency in
3 developing and administering a State poultry product
4 inspection program in any State which has enacted a
5 State poultry product inspection law that imposes ante-
6 mortem and post-mortem inspection, reinspection and
7 sanitation requirements that are at least equal to those
8 under this Act, with respect to all or certain classes of
9 persons engaged in the State in slaughtering poultry or
10 processing poultry products for use as human food solely
11 for distribution within such State.

12 “(2) The Secretary is further authorized, whenever
13 he determines that it would effectuate the purposes of
14 this Act, to cooperate with appropriate State agencies
15 in developing and administering State programs under
16 State laws containing authorities at least equal to those
17 provided in section 11 of this Act; and to cooperate with
18 other agencies of the United States in carrying out any
19 provisions of this Act. In carrying out the provisions of
20 this Act, the Secretary may conduct such examinations,
21 investigations, and inspections as he determines practi-
22 cable through any officer or employee of any State or
23 Territory or the District of Columbia commissioned by
24 the Secretary for such purpose.

25 “(3) Cooperation with State agencies under this

1 section may include furnishing to the appropriate State
2 agency (i) advisory assistance in planning and otherwise
3 developing an adequate State program under the State
4 law; and (ii) technical and laboratory assistance and
5 training (including necessary curricular and instruc-
6 tional materials and equipment); and financial and other
7 aid for administration of such a program. The amount
8 to be contributed to any State by the Secretary under
9 this section from Federal funds for any years shall not
10 exceed 50 per centum of the estimated total cost of the
11 cooperative program; and the Federal funds shall be
12 allocated among the States desiring to cooperate on an
13 equitable basis. Such cooperation and payment shall be
14 contingent at all times upon the administration of the
15 State program in a manner which the Secretary, in con-
16 sultation with the appropriate advisory committee ap-
17 pointed under subparagraph (4); deems adequate to
18 effectuate the purposes of this section.

19 “(4) The Secretary may appoint advisory commit-
20 tees consisting of such representatives of appropriate
21 State agencies as the Secretary and the State agencies
22 may designate to consult with him concerning State
23 and Federal programs with respect to poultry product in-
24 spection and other matters within the scope of this Act,
25 including evaluating State programs for purposes of this

1 Act and obtaining better coordination and more uni-
2 formity among the State programs and between the Fed-
3 eral and State programs and adequate protection of
4 consumers:

5 “(b) The appropriate State agency with which the
6 Secretary may cooperate under this Act shall be a single
7 agency in the State which is primarily responsible for the
8 coordination of the State programs having objectives similar
9 to those under this Act. When the State program includes
10 performance of certain functions by a municipality or other
11 subordinate governmental unit, such unit shall be deemed to
12 be a part of the State agency for purposes of this section.

13 “(c)-(1) If the Secretary has reason to believe, by
14 thirty days prior to the expiration of two years after enact-
15 ment of the Wholesome Poultry Products Act, that a State
16 has failed to develop or is not enforcing, with respect to all
17 establishments within its jurisdiction (except those that
18 would be exempted from Federal inspection under subpara-
19 graph (2) of this paragraph (c)) at which poultry are
20 slaughtered, or poultry products are processed for use as
21 human food, solely for distribution within such State, and the
22 products of such establishments, requirements at least equal
23 to those imposed under sections 1-4, 6-10, and 12-22 of this
24 Act, he shall promptly notify the Governor of the State of
25 this fact. If the Secretary determines, after consultation with

1 the Governor of the State, or representative selected by him;
2 that such requirements have not been developed and acti-
3 vated, he shall promptly after the expiration of such two-
4 year period designate such State as one in which the provi-
5 sions of said sections of this Act shall apply to operations
6 and transactions wholly within such State: *Provided*, That if
7 the Secretary has reason to believe that the State will acti-
8 vate such requirements within one additional year, he may
9 delay such designation for said period, and not designate the
10 State, if he determines at the end of the year that the State
11 then has such requirements in effective operation. The Secre-
12 tary shall publish any such designation in the Federal Regis-
13 ter and, upon the expiration of thirty days after such publi-
14 cation, the provisions of said sections of this Act shall apply
15 to operations and transactions and to persons engaged there-
16 in in the State to the same extent and in the same manner
17 as if such operations and transactions were conducted in or
18 for commerce. However, notwithstanding any other provi-
19 sion of this section, if the Secretary determines that any
20 establishment within a State is producing adulterated poul-
21 try products for distribution within such State which would
22 clearly endanger the public health he shall notify the Gover-
23 nor of the State and the appropriate advisory committee
24 provided for by subparagraph (a)(4) of this section of such

1 fact for effective action under State or local law. If the State
2 does not take action to prevent such endangering of the
3 public health within a reasonable time after such notice, as
4 determined by the Secretary, in light of the risk to public
5 health, the Secretary may forthwith designate any such
6 establishment as subject to the provisions of said sections of
7 this Act, and thereupon the establishment and operator
8 thereof shall be subject to such provisions as though engaged
9 in commerce until such time as the Secretary determines that
10 such State has developed and will enforce requirements at
11 least equal to those imposed under said sections.

12 “(2) The provisions of this Act requiring inspection of
13 the slaughter of poultry and the processing of poultry prod-
14 ucts shall not apply to operations of types traditionally and
15 usually conducted at retail stores and restaurants, when con-
16 ducted at any retail store or restaurant or similar retail-type
17 establishment for sale in normal retail quantities or service
18 of such articles to consumers at such establishments if such
19 establishments are subject to such inspection provisions only
20 under this paragraph (c).

21 “(3) Whenever the Secretary determines that any State
22 designated under this paragraph (c) has developed and will
23 enforce State poultry products inspection requirements at
24 least equal to those imposed under the aforesaid sections of
25 this Act, with respect to the operations and transactions

1 within such State which are regulated under subparagraph
2 ~~(1)~~ of this paragraph ~~(c)~~, he shall terminate the designation
3 of such State under this paragraph ~~(c)~~, but this shall not
4 preclude the subsequent redesignation of the State at any
5 time upon thirty days' notice to the Governor and publication
6 in the Federal Register in accordance with this paragraph,
7 and any State may be designated upon such notice and
8 publication, at any time after the period specified in this
9 paragraph whether or not the State has theretofore been
10 designated, upon the Secretary determining that it is not
11 effectively enforcing requirements at least equal to those
12 imposed under said sections.

13 ~~“(4)~~ The Secretary shall promptly upon enactment of
14 the Wholesale Poultry Products Act, and periodically
15 thereafter, review the requirements, including the enforce-
16 ment thereof, of the several States not designated under this
17 paragraph ~~(c)~~, with respect to the slaughter, and the pro-
18 cessing, storage, handling, and distribution of poultry prod-
19 ucts, and inspection of such operations.

20 ~~“(5)~~ Poultry products processed under State inspection
21 at any establishment in any State, not designated under this
22 paragraph ~~(c)~~, in accordance with requirements which the
23 Secretary has determined are at least equal to those under
24 sections ~~1-4, 6-10, and 12-22~~ of this Act, shall be eligible

1 for distribution in commerce, upon the same basis as poultry
2 products inspected under this Act, when they are marked
3 under such supervision and other conditions as the Secretary
4 may by regulation prescribe, with a combined State-Federal
5 official inspection legend.

6 “(d) As used in this section, the term ‘State’ means
7 any State (including the Commonwealth of Puerto Rico) or
8 organized territory.”

9 SEC. 6. Section 6 of said Act (21 U.S.C. 455) is
10 hereby amended as follows:

11 (a) Paragraph (a) is amended to read:

12 “(a) For the purpose of preventing the entry into or
13 flow or movement in commerce of, or the burdening of
14 commerce by, any poultry product which is capable of use
15 as human food and is adulterated, the Secretary shall, where
16 and to the extent considered by him necessary, cause to be
17 made by inspectors ante mortem inspection of poultry in
18 each official establishment processing poultry or poultry
19 products for commerce or otherwise subject to inspection
20 under this Act.”

21 (b) Paragraph (b) is amended by deleting the phrase
22 “in, or for marketing in a designated city or area” and sub-
23 stituting the phrase “otherwise subject to inspection under
24 this Act”; by inserting the word “and” before the word
25 “reinspection”; and by inserting the phrase “capable of use

1 as human food" after the phrase "poultry products" the
2 first time the latter phrase appears in the paragraph.

3 ~~(c)~~ Paragraph ~~(c)~~ is amended by deleting the phrase
4 "unwholesome or" and the phrase "not unwholesome and"
5 each time they appear therein; and by inserting the word
6 "other" before the phrase "poultry products".

7 SEC. 7. In section 7 of said Act (~~21 U.S.C. 456~~) para-
8 graph ~~(a)~~ is hereby amended by deleting the phrase "in or
9 for marketing in a designated major consuming area" and
10 substituting the phrase "otherwise subject to inspection under
11 this Act"; by deleting the phrase "in a designated major
12 consuming area" and substituting the phrase "burdensome
13 effect upon commerce"; and by deleting the phrase "un-
14 wholesome or".

15 SEC. 8. Section 8 of said Act (~~21 U.S.C. 457~~) is hereby
16 amended to read:

17 "SEC. 8. ~~(a)~~ All poultry products inspected at any offi-
18 cial establishment under the authority of this Act and found
19 to be not adulterated, shall at the time they leave the estab-
20 lishment bear, in distinctly legible form, directly thereon and
21 on their shipping containers and immediate containers, as
22 the Secretary may require, the information required under
23 paragraph ~~(h)~~ of section 4 of this Act.

24 "(b) The Secretary, whenever he determines such ac-
25 tion is necessary for the protection of the public, may pre-

1 scribe: ~~(1)~~ the styles and sizes of type to be used with re-
2 spect to material required to be incorporated in labeling to
3 avoid false or misleading labeling in marketing and labeling
4 any articles or poultry subject to this Act; ~~(2)~~ definitions
5 and standards of identity or composition of articles subject to
6 this Act and standards of fill of container for such articles not
7 inconsistent with any such standards established under the
8 Federal Food, Drug, and Cosmetic Act, and there shall be
9 consultation between the Secretary and the Secretary of
10 Health, Education, and Welfare prior to the issuance of such
11 standards under either Act relating to articles subject to this
12 Act to avoid inconsistency in such standards and possible
13 impairment of the coordinated effective administration of
14 these Acts. There shall also be consultation between the Sec-
15 retary and an appropriate advisory committee provided for
16 in section 5 of this Act, prior to the issuance of such stand-
17 ards under this Act, to avoid, insofar as feasible, inconsistency
18 between Federal and State standards.

19 “~~(c)~~ No article subject to this Act shall be sold or offered
20 for sale by any person in commerce, under any name or
21 other marking or labeling which is false or misleading, or in
22 any container of a misleading form or size, but established
23 trade names and other marking and labeling and containers
24 which are not false or misleading and which are approved
25 by the Secretary are permitted.

“(d) If the Secretary has reason to believe that any marking or labeling or the size or form of any container in use or proposed for use with respect to any article subject to this Act is false or misleading in any particular, he may direct that such use be withheld unless the marking, labeling, or container is modified in such manner as he may prescribe so that it will not be false or misleading. If the person using or proposing to use the marking, labeling, or container does not accept the determination of the Secretary, such person may request a hearing, but the use of the marking, labeling, or container shall, if the Secretary so directs, be withheld pending hearing and final determination by the Secretary. Any such determination by the Secretary shall be conclusive unless, within thirty days after receipt of notice of such final determination, the person adversely affected thereby appeals to the United States court of appeals for the circuit in which such person has its principal place of business or to the United States Court of Appeals for the District of Columbia Circuit. The provisions of section 204 of the Packers and Stockyards Act, 1924 (42 Stat. 462, as amended; (7 U.S.C. 194), shall be applicable to appeals taken under this section.”

SEC. 9. Section 9 of said Act (24 U.S.C. 458) is amended to read:

“SEC. 9. (a) No person shall—

1 “(1) slaughter any poultry or process any poultry
2 products which are capable of use as human food at any
3 establishment processing any such articles for commerce,
4 except in compliance with the requirements of this Act;

5 “(2) sell, transport, offer for sale or transportation,
6 or receive for transportation, in commerce, (A) any
7 poultry products which are capable of use as human food
8 and are adulterated or misbranded at the time of such
9 sale, transportation, offer for sale or transportation, or
10 receipt for transportation; or (B) any poultry products
11 required to be inspected under this Act unless they have
12 been so inspected and passed;

13 “(3) do, with respect to any poultry products which
14 are capable of use as human food, any act while they
15 are being transported in commerce or held for sale after
16 such transportation, which is intended to cause or has
17 the effect of causing such products to be adulterated or
18 misbranded;

19 “(4) sell, transport, offer for sale or transporta-
20 tion, or receive for transportation, in commerce or from
21 an official establishment, any slaughtered poultry from
22 which the blood, feathers, feet, head, or viscera have
23 not been removed in accordance with regulations pro-
24 mulgated by the Secretary, except as may be authorized
25 by regulations of the Secretary;

1 ~~“(5)~~ use to his own advantage, or reveal other
2 than to the authorized representatives of the United
3 States Government or any State or other government
4 in their official capacity, or as ordered by a court in any
5 judicial proceedings; any information acquired under the
6 authority of this Act concerning any matter which is
7 entitled to protection as a trade secret.

8 ~~“(b)~~ No brand manufacturer, printer, or other person
9 shall cast, print, lithograph, or otherwise make any device
10 containing any official mark or simulation thereof, or any
11 label bearing any such mark or simulation, or any form of
12 official certificate or simulation thereof, except as authorized
13 by the Secretary.

14 ~~“(c)~~ No person shall—

15 ~~“(1)~~ forge any official device, mark, or certificate;

16 ~~“(2)~~ without authorization from the Secretary use
17 any official device, mark, or certificate, or simulation
18 thereof, or alter, detach, deface, or destroy any official
19 device, mark, or certificate;

20 ~~“(3)~~ contrary to the regulations prescribed by the
21 Secretary, fail to use, or to detach, deface, or destroy any
22 official device, mark, or certificate;

23 ~~“(4)~~ knowingly possess, without promptly notify-
24 ing the Secretary or his representative, any official de-
25 vice or any counterfeit, simulated, forged, or improperly

1 altered official certificate or any device or label or any
2 carcass of any poultry, or part or product thereof, bear-
3 ing any counterfeit, simulated, forged, or improperly
4 altered official mark;

5 “(5) knowingly make any false statement in any
6 shippers certificate or other nonofficial or official certif-
7 icate provided for in the regulations prescribed by the
8 Secretary; or

9 “(6) knowingly represent that any article has been
10 inspected and passed, or exempted, under this Act when,
11 in fact, it has, respectively, not been so inspected and
12 passed, or exempted.”

13 SEC. 10. Section 10 of said Act (21 U.S.C. 459) is
14 hereby amended by deleting the phrase “in or for marketing
15 in a designated major consuming area” and substituting the
16 phrase “otherwise subject to this Act”.

17 SEC. 11. Section 11 of said Act (21 U.S.C. 460) is
18 hereby amended to read:

19 “(a) Inspection shall not be provided under this Act
20 at any establishment for the slaughter of poultry or the
21 processing of any carcasses or parts or products of poultry,
22 which are not intended for use as human food, but such
23 articles shall, prior to their offer for sale or transportation
24 in commerce, unless naturally inedible by humans, be de-
25 natured or otherwise identified as prescribed by regulations

1 of the Secretary to deter their use for human food. No person
 2 shall buy, sell, transport, or offer for sale or transportation,
 3 or receive for transportation, in commerce, or import, any
 4 poultry carcasses or parts or products thereof which are not
 5 intended for use as human food unless they are denatured or
 6 otherwise identified as required by the regulations of the
 7 Secretary or are naturally inedible by humans.

8 “(b) The following classes of persons shall, for such
 9 period of time as the Secretary may by regulations prescribe,
 10 keep such records as will fully and correctly disclose all trans-
 11 actions involved in their businesses; and all persons sub-
 12 ject to such requirements shall, at all reasonable times, upon
 13 notice by a duly authorized representative of the Secretary,
 14 afford such representative access to their places of business
 15 and opportunity to examine the facilities, inventory, and
 16 records thereof, to copy all such records, and to take reason-
 17 able samples of their inventory upon payment of the fair
 18 market value therefor—

19 “(1) Any person that engages in the business of
 20 slaughtering any poultry or processing, freezing, packag-
 21 ing, or labeling any carcasses, or parts or products of
 22 carcasses, of any poultry, for commerce, for use as
 23 human food or animal food;

24 “(2) Any person that engages in the business of
 25 buying or selling (as poultry products brokers, whole-

1 salers or otherwise), or transporting, in commerce, or
 2 storing in or for commerce, or importing, any carcasses,
 3 or parts or products of carcasses, of any poultry;

4 “(3) Any person that engages in business, in or
 5 for commerce, as a renderer, or engages in the business
 6 of buying, selling, or transporting, in commerce, or im-
 7 porting, any dead, dying, disabled, or diseased poultry
 8 or parts of the carcasses of any poultry that died other-
 9 wise than by slaughter.

10 “(c) No person shall engage in business, in or for com-
 11 merce, as a poultry products broker, renderer, or animal food
 12 manufacturer, or engage in business in commerce as a whole-
 13 saler of any carcasses, or parts or products of the carcasses,
 14 of any poultry, whether intended for human food or other
 15 purposes, or engage in business as a public warehouseman
 16 storing any such articles in or for commerce, or engage in
 17 the business of buying, selling, or transporting in commerce,
 18 or importing, any dead, dying, disabled, or diseased poultry,
 19 or parts of the carcasses of any poultry that died otherwise
 20 than by slaughter, unless, when required by regulations of
 21 the Secretary, he has registered with the Secretary his name,
 22 and the address of each place of business at which, and all
 23 trade names under which, he conducts such business.

24 “(d) No person engaged in the business of buying, sell-
 25 ing, or transporting in commerce, or importing, dead, dying,

1 disabled, or diseased poultry, or any parts of the carcasses of
2 any poultry that died otherwise than by slaughter, shall buy,
3 sell, transport, offer for sale or transportation, or receive for
4 transportation, in commerce, or import, any dead, dying, dis-
5 abled, or diseased poultry or parts of the carcasses of any
6 poultry that died otherwise than by slaughter, unless such
7 transaction, transportation or importation is made in accord-
8 ance with such regulations as the Secretary may prescribe to
9 assure that such poultry, or the unwholesome parts or prod-
10 ucts thereof, will be prevented from being used for human
11 food.

12 “(c) The authority conferred on the Secretary by para-
13 graph (b), (c), or (d) of this section with respect to per-
14 sons engaged in the specified kinds of business in or for
15 commerce may be exercised with respect to persons engaged,
16 in any State or organized territory, in such kinds of business
17 but not in or for commerce, whenever the Secretary deter-
18 mines, after consultation with an appropriate advisory com-
19 mittee provided for in section 5 of this Act, that the State or
20 territory does not have at least equal authority under its
21 laws or such authority is not exercised in a manner to effec-
22 tuate the purposes of this Act, including the State or territory
23 providing for the Secretary or his representative being af-
24 forded access to such places of business and the facilities,
25 inventories, and records thereof, and the taking of reasonable

1 samples, where he determines necessary in carrying out his
2 responsibilities under this Act; and in such case the pro-
3 visions of paragraph (b), (c), or (d) of this section, re-
4 spectively, shall apply to such persons to the same extent and
5 in the same manner as if they were engaged in such busi-
6 ness in or for commerce and the transactions involved were
7 in commerce.”

8 SEC. 12. Section 12 of said Act (21 U.S.C. 461) is
9 hereby amended as follows:

10 (a) Paragraph (a) is amended by changing the first
11 sentence to read:

12 “Any person who violates the provisions of section 9,
13 10, 11, 14, or 17 of this Act shall be fined not more than
14 \$1,000 or imprisoned not more than one year, or both;
15 but if such violation involves intent to defraud, or any dis-
16 tribution or attempted distribution of an article that is adulter-
17 ated (except as defined in section 4(g)(8) of this Act),
18 such person shall be fined not more than \$10,000 or impris-
19 oned not more than three years, or both.”

20 (b) Paragraph (b) is amended by deleting the phrase
21 “not otherwise eligible” and substituting the phrase “other-
22 wise not eligible”; by deleting the word “slaughtered” each
23 time it appears; and by adding the following before the
24 period at the end of the paragraph: “or unless the carrier
25 refuses to furnish on request of a representative of the Secre-

1 tary the name and address of the person from whom he re-
 2 ceived such poultry or poultry products, and copies of all
 3 documents, if any there be, pertaining to the delivery of
 4 the poultry or poultry products to such carrier."

5 ~~(c)~~ A new paragraph ~~(c)~~ is added to read:

6 " ~~(c)~~ Any person who forcibly assaults, resists, opposes,
 7 impedes, intimidates, or interferes with any person while
 8 engaged in or on account of the performance of his official
 9 duties under this Act shall be fined not more than \$5,000
 10 or imprisoned not more than three years, or both. Who-
 11 ever, in the commission of any such acts, uses a deadly or
 12 dangerous weapon, shall be fined not more than \$10,000
 13 or imprisoned not more than ten years, or both. Whoever
 14 kills any person while engaged in or on account of the per-
 15 formance of his official duties under this Act shall be punished
 16 as provided under sections 1111 and 1114 of title 18,
 17 United States Code."

18 SEC. 13. Section 14 of said Act (~~21 U.S.C. 463~~) is
 19 hereby amended by designating the present provisions thereof
 20 as paragraph ~~(b)~~; by inserting the word "other" before the
 21 word "rules" in said paragraph; and by adding a new para-
 22 graph ~~(a)~~ to read:

23 " ~~(a)~~ The Secretary may by regulations prescribe con-
 24 ditions under which poultry products capable of use as human
 25 food, shall be stored or otherwise handled by any person en-

1 gaged in the business of buying, selling, freezing, storing, or
2 transporting, in or for commerce, or importing, such articles;
3 whenever the Secretary deems such action necessary to as-
4 sure that such articles will not be adulterated or misbranded
5 when delivered to the consumer. Violation of any such regu-
6 lation is prohibited. However, such regulations shall not
7 apply to the storage or handling of such articles at any retail
8 store or other establishment in any State or organized Terri-
9 tory that would be subject to this section only because of pur-
10 chases in commerce, if the storage and handling of such
11 articles at such establishment is regulated under the laws of
12 the State or Territory in which such establishment is located,
13 in a manner which the Secretary, after consultation with the
14 appropriate advisory committee provided for in section 5 of
15 this Act, determines is adequate to effectuate the purposes of
16 this section."

17 SEC. 14. Section 15 of said Act (21 U.S.C. 464) is
18 hereby amended as follows:

19 ~~(a)~~ In paragraph ~~(a)~~, subparagraph ~~(1)~~ is deleted
20 and subparagraphs ~~(2)~~, ~~(3)~~, and ~~(4)~~ are redesignated,
21 respectively, as subparagraphs ~~(1)~~, ~~(2)~~, and ~~(3)~~;

22 ~~(b)~~ In paragraph ~~(a)~~, in redesignated subparagraph
23 ~~(2)~~ ~~(formerly (3))~~, the date "July 1, 1960" is deleted and
24 the date "January 1, 1970" is substituted therefor;

25 ~~(c)~~ Paragraph ~~(b)~~ is redesignated as paragraph ~~(c)~~

1 and new paragraphs (b), (c), and (d) are added to read:

2 “(b) The Secretary may, under such sanitary conditions
3 as he may by regulations prescribe, exempt from the inspec-
4 tion requirements of this Act the slaughter of poultry, and
5 the processing of poultry products, by any person in any
6 Territory not organized with a legislative body, solely for
7 distribution within such Territory, when the Secretary deter-
8 mines that it is impracticable to provide such inspection with-
9 in the limits of funds appropriated for administration of this
10 Act and that such exemption will aid in the effective adminis-
11 tration and this Act.

12 “(c) The provisions of this Act requiring inspection of
13 the slaughter of poultry and the processing of poultry prod-
14 ucts at establishments conducting such operations for com-
15 merce shall not apply to the slaughtering by any person
16 of poultry of his own raising, and the processing by him
17 and transportation in commerce of the poultry products
18 exclusively for use by him and members of his household
19 and his nonpaying guests and employees; nor to the custom
20 slaughter by any person of poultry delivered by the owner
21 thereof for such slaughter, and the processing by such
22 slaughterer and transportation in commerce of the poultry
23 products exclusively for use, in the household of such owner,
24 by him and members of his household and his nonpaying

1 guests and employees: *Provided*, That such custom slaugh-
2 terer does not engage in the business of buying or selling any
3 poultry products capable of use as human food.

4 “(d) The adulteration and misbranding provisions of this
5 Act, other than the requirement of the inspection legend,
6 shall apply to articles which are exempted from inspection or
7 not required to be inspected under this section, except as
8 otherwise specified under paragraph (a).”

9 SEC. 15. Section 16 of said Act (21 U.S.C. 465) is
10 hereby amended to read:

11 “SEC. 16. The Secretary may limit the entry of poultry
12 products and other materials into any official establishment,
13 under such conditions as he may prescribe to assure that
14 allowing the entry of such articles into such inspected estab-
15 lishments will be consistent with the purposes of this Act.”

16 SEC. 16. Section 17 of said Act (21 U.S.C. 466) is
17 hereby amended to read:

18 “SEC. 17. (a) No poultry products which are capable
19 of use as human food shall be imported into the United
20 States if such articles are adulterated or misbranded and un-
21 less they comply with all the inspection, building con-
22 struction standards, and all other provisions of this Act and
23 regulations issued thereunder applicable to such articles in
24 commerce within the United States. All such imported arti-
25 cles shall, upon entry into the United States, be deemed and

1 treated as domestic articles subject to the other provisions
2 of this Act and the Federal Food, Drug, and Cosmetic Act:
3 *Provided*, That they shall be marked and labeled as required
4 by such regulations for imported articles: *Provided further*,
5 That nothing in this section shall apply to any individual
6 who purchases poultry products outside the United States
7 for his own consumption except that the total amount of
8 such poultry products shall not exceed fifty pounds.

9 “(b) The Secretary may prescribe the terms and con-
10 ditions for the destruction of all such articles which are im-
11 ported contrary to this section, unless (1) they are exported
12 by the consignee within the time fixed therefor by the Secre-
13 tary, or (2) in the case of articles which are not in com-
14 pliance with the Act solely because of misbranding, such
15 articles are brought into compliance with the Act under
16 supervision of authorized representatives of the Secretary.

17 “(c) All charges for storage, cartage, and labor with
18 respect to any article which is imported contrary to this
19 section shall be paid by the owner or consignee, and in de-
20 fault of such payment shall constitute a lien against such
21 article and any other article thereafter imported under this
22 Act by or for such owner or consignee.

23 “(d) The knowing importation of any article contrary
24 to this section is prohibited.”

1 SEC. 17. Section 18 of said Act (~~24 U.S.C. 467~~) is
2 hereby amended to read:

3 “SEC. 18. ~~(a)~~ The Secretary may ~~(for such period, or~~
4 ~~indefinitely, as he deems necessary to effectuate the purposes~~
5 ~~of this Act)~~ refuse to provide, or withdraw, inspection service
6 under this Act with respect to any establishment if he de-
7 termines, after opportunity for a hearing is accorded to the
8 applicant for, or recipient of, such service, that such ap-
9 plicant or recipient is unfit to engage in any business re-
10 quiring inspection under this Act because the applicant or
11 recipient or anyone responsibly connected with the applicant
12 or recipient, has been convicted, in any Federal or State
13 court, within the previous ten years of ~~(1)~~ any felony or
14 more than one misdemeanor under any law based upon the
15 acquiring, handling, or distributing adulterated, mislabeled,
16 or deceptively packaged food or fraud in connection with
17 transactions in food; or ~~(2)~~ any felony, involving fraud,
18 bribery, extortion, or any other act or circumstance indicating
19 a lack of the integrity needed for the conduct of operations
20 affecting the public health. For the purpose of this paragraph
21 a person shall be deemed to be responsibly connected with
22 the business if he was a partner, officer, director, holder, or
23 owner of 10 per centum or more of its voting stock or
24 employee in a managerial or executive capacity.

25 “~~(b)~~ Upon the withdrawal of inspection service from

1 any official establishment for failure to destroy condemned
2 poultry products as required under section 6 of this Act, or
3 other failure of an official establishment to comply with the
4 requirements as to premises, facilities, or equipment, or the
5 operation thereof, as provided in section 7 of this Act, or the
6 refusal of inspection service to any applicant therefor be-
7 cause of failure to comply with any requirements under
8 section 7, the applicant for, or recipient of, the service shall,
9 upon request, be afforded opportunity for a hearing with
10 respect to the merits or validity of such action; but such
11 withdrawal or refusal shall continue in effect unless other-
12 wise ordered by the Secretary.

13 “(c) The determination and order of the Secretary
14 when made after opportunity for hearing, with respect to
15 withdrawal or refusal of inspection service under this Act
16 shall be final and conclusive unless the affected applicant for,
17 or recipient of, inspection service files application for judicial
18 review within thirty days after the effective date of such
19 order in the United States Court of Appeals as provided in
20 section 8 of this Act. Judicial review of any such order
21 shall be upon the record upon which the determination and
22 order are based. The provisions of section 204 of the
23 Packers and Stockyards Act of 1921, as amended, shall be
24 applicable to appeals taken under this section.”

1 SEC. 18. Sections 19 through 22 of said Act (~~21 U.S.C.~~
2 ~~468, 469, 451 note~~) are hereby redesignated as section 25
3 through 28, respectively, and new sections 19, 20, 21, 22,
4 23, and 24 are added to the Act to read, respectively:

5 SEC. 19. Whenever any poultry product, or any prod-
6 uct exempted from the definition of a poultry product, or any
7 dead, dying, disabled, or diseased poultry is found by any
8 authorized representative of the Secretary upon any premises
9 where it is held for purposes of, or during or after distribution
10 in, commerce or otherwise subject to this Act, and there is
11 reason to believe that any such article is adulterated or mis-
12 branded and is capable of use as human food, or that it has
13 not been inspected, in violation of the provisions of this Act
14 or of any other Federal law or the laws of any State or
15 Territory, or the District of Columbia, or that it has been
16 or is intended to be, distributed in violation of any such
17 provisions, it may be detained by such representative for a
18 period not to exceed twenty days, pending action under
19 section 20 of this Act or notification of any Federal, State,
20 or other governmental authorities having jurisdiction over
21 such article or poultry, and shall not be moved by any person,
22 from the place at which it is located when so detained, until
23 released by such representative. All official marks may be
24 required by such representative to be removed from such
25 article or poultry before it is released unless it appears to

1 the satisfaction of the Secretary that the article or poultry is
2 eligible to retain such marks.

3 "SEC. 20. (a) Any poultry product, or any dead,
4 dying, disabled, or diseased poultry, that is being transported
5 in commerce or otherwise subject to this Act, or is held
6 for sale in the United States after such transportation, and
7 that (1) is or has been processed, sold, transported, or
8 otherwise distributed or offered or received for distribution
9 in violation of this Act, or (2) is capable of use as human
10 food and is adulterated or misbranded, or (3) in any other
11 way is in violation of this Act, shall be liable to be proceeded
12 against and seized and condemned, at any time, on a libel
13 of information in any United States district court or other
14 proper court as provided in section 24 of this Act within the
15 jurisdiction of which the article or poultry is found. If the
16 article or poultry is condemned it shall, after entry of the
17 decree, be disposed of by destruction or sale as the court
18 may direct and the proceeds, if sold, less the court costs and
19 fees, and storage and other proper expenses, shall be paid
20 into the Treasury of the United States, but the article or
21 poultry shall not be sold contrary to the provisions of this
22 Act, or the laws of the jurisdiction in which it is sold:
23 *Provided*, That upon the execution and delivery of a good
24 and sufficient bond conditioned that the article or poultry
25 shall not be sold or otherwise disposed of contrary to the

1 provisions of this Act, or the laws of the jurisdiction in which
2 disposal is made, the court may direct that such article or
3 poultry be delivered to the owner thereof subject to such
4 supervision by authorized representatives of the Secretary as
5 is necessary to insure compliance with the applicable laws.
6 When a decree of condemnation is entered against the article
7 of poultry and it is released under bond, or destroyed, court
8 costs and fees, and storage and other proper expenses shall
9 be awarded against the person, if any, intervening as claimant
10 of the article or poultry. The proceedings in such libel cases
11 shall conform, as nearly as may be, to the proceedings in
12 admiralty, except that either party may demand trial by
13 jury of any issue of fact joined in any case, and all such
14 proceedings shall be at the suit of and in the name of the
15 United States.

16 “(b) The provisions of this section shall in no way
17 derogate from authority for condemnation or seizure con-
18 ferred by other provisions of this Act, or other laws.

19 “SEC. 24. The United States district courts, the District
20 Court of Guam, the District Court of the Virgin Islands, the
21 highest court of American Samoa, and the United States
22 courts of the other territories, are vested with jurisdiction
23 specifically to enforce, and to prevent and restrain violations
24 of, this Act, and shall have jurisdiction in all other kinds of
25 cases arising under this Act, except as provided in section

1 8(d) or 18 of this Act. All proceedings for the enforcement
2 or to restrain violations of this Act shall be by and in the
3 name of the United States. Subpenas for witnesses who are
4 required to attend a court of the United States, in any district,
5 may run into any other district in any such proceeding.

6 “SEC. 22. For the efficient administration and enforce-
7 ment of this Act, the provisions (including penalties) of
8 sections 6, 8, 9, and 10 of the Federal Trade Commission
9 Act, as amended (38 Stat. 721-723, as amended; 15 U.S.C.
10 46, 48, 49, and 50) (except paragraphs (c) through (h)
11 of section 6 and the last paragraph of section 9); and the
12 provisions of subsection 409(1) of the Communications Act
13 of 1934 (48 Stat. 1096, as amended; 47 U.S.C. 409(1));
14 are made applicable to the jurisdiction, powers, and duties
15 of the Secretary in administering and enforcing the provi-
16 sions of this Act and to any person with respect to whom
17 such authority is exercised. The Secretary, in person or by
18 such agents as he may designate, may prosecute any inquiry
19 necessary to his duties under this Act in any part of the
20 United States, and the powers conferred by said sections 9
21 and 10 of the Federal Trade Commission Act as amended
22 on the district courts of the United States may be exercised
23 for the purposes of this Act by any court designated in section
24 24 of this Act.

25 “SEC. 23. Requirements within the scope of this Act

1 with respect to premises, facilities and operations of any
2 official establishment, which are in addition to, or different
3 than those made under this Act may not be imposed by any
4 State or Territory or the District of Columbia, except that
5 any such jurisdiction may impose recordkeeping and other
6 requirements within the scope of paragraph (b) of section
7 44 of this Act, if consistent therewith, with respect to any
8 such establishment. Marking, labeling, packaging, or ingredi-
9 ent requirements in addition to, or different than, those made
10 under this Act may not be imposed by any State or Territory
11 or the District of Columbia with respect to articles prepared
12 at any official establishment in accordance with the require-
13 ments under this Act, but any State or Territory or the Dis-
14 trict of Columbia may, consistent with the requirements
15 under this Act, exercise concurrent jurisdiction with the
16 Secretary over articles required to be inspected under this
17 Act, for the purpose of preventing the distribution for human
18 food purposes of any such articles which are adulterated or
19 misbranded and are outside of such an establishment, or, in
20 the case of imported articles which are not at such an estab-
21 lishment, after their entry into the United States. This Act
22 shall not preclude any State or Territory or the District of
23 Columbia from making requirement or taking other action,
24 consistent with this Act, with respect to any other matters
25 regulated under this Act.

1 “SEC. 24. (a) Poultry and poultry products shall be
 2 exempt from the provisions of the Federal Food, Drug, and
 3 Cosmetic Act to the extent of the application or extension
 4 thereto of the provisions of this Act, except that the pro-
 5 visions of his Act shall not derogate from any authority
 6 conferred by the Federal Food, Drug, and Cosmetic Act
 7 prior to enactment of the Wholesome Poultry Products Act.

8 “(b) The detainer authority conferred by section 19 of
 9 this Act shall apply to any authorized representative of the
 10 Secretary of Health, Education, and Welfare for purposes
 11 of the enforcement of the Federal Food, Drug, and Cosmetic
 12 Act with respect to any poultry carcass, or part or product
 13 thereof, that is outside any official establishment, and for
 14 such purposes the first reference to the Secretary in section
 15 19 shall be deemed to refer to the Secretary of Health,
 16 Education, and Welfare.”

17 SEC. 19. The heading “**Designation**” preceding sec-
 18 tion 5 of said Act is hereby amended to read “**Federal**
 19 **and State cooperation**”; the heading “**Labeling**” preceding
 20 section 8 of said Act is hereby amended to read “**Labeling**
 21 **and containers; standards**”; the heading “**Records of**
 22 **interstate shipment**” preceding section 11 of said Act is
 23 hereby amended to read “**Articles not intended for human**
 24 **food; record and related requirements for processors of**
 25 **poultry products and related industries engaged in com-**

1 merce; registration requirements for related industries en-
2 gaged in commerce; regulation of transactions in com-
3 merce in dead, dying, disabled, or diseased poultry and
4 carcasses thereof; authority to regulate comparable intra-
5 state activities"; and the heading "Violations by exempted
6 persons" preceding section 16 of said Act is hereby amended
7 to read "Entry of materials into official establishments."

8 SEC. 20. If any provisions of this Act or of the amend-
9 ments made hereby or the application thereof to any person
10 or circumstances is held invalid, the validity of the remainder
11 of the Act and the remaining amendments and of the appli-
12 cation of such provision to other persons and circumstances
13 shall not be affected thereby.

14 SEC. 21. This Act shall become effective upon enact-
15 ment except as provided in paragraphs (a) through (c):

16 (a) The provisions of subparagraphs (a)(2)(A) and
17 (a)(3) of section 9 of the Poultry Products Inspection Act
18 and the provisions of section 17 of said Act, as amended by
19 sections 9 and 16 of this Act, shall become effective upon the
20 expiration of sixty days after enactment hereof.

21 (b) Section 14 of this Act, amending section 15 of the
22 Poultry Products Inspection Act, shall become effective upon
23 the expiration of sixty days after enactment hereof.

24 (c) Paragraph 11(d) of the Poultry Products Inspee-
25 tion Act, as added by section 11 of this Act, shall become

1 effective upon the expiration of sixty days after enactment
2 hereof.

3 That this Act may be cited as the "Wholesome Poultry
4 Products Act".

5 SEC. 2. Section 2 of the Poultry Products Inspection
6 Act (71 Stat. 441, as amended; 21 U.S.C. 451) is hereby
7 amended to read:

8 "SEC. 2. Poultry and poultry products are an important
9 source of the Nation's total supply of food. They are con-
10 sumed throughout the Nation and the major portion thereof
11 moves in interstate or foreign commerce. It is essential in
12 the public interest that the health and welfare of consumers
13 be protected by assuring that poultry products distributed to
14 them are wholesome, not adulterated, and properly marked,
15 labeled, and packaged. Unwholesome, adulterated, or mis-
16 branded poultry products impair the effective regulation of
17 poultry products in interstate or foreign commerce, are in-
18 jurious to the public welfare, destroy markets for wholesome,
19 not adulterated, and properly labeled and packaged poultry
20 products, and result in sundry losses to poultry producers and
21 processors of poultry and poultry products, as well as injury
22 to consumers. It is hereby found that all articles and poultry
23 which are regulated under this Act are either in interstate
24 or foreign commerce or substantially affect such commerce.

1 and that regulation by the Secretary of Agriculture and
2 cooperation by the States and other jurisdictions as con-
3 templated by this Act are appropriate to prevent and elimi-
4 nate burdens upon such commerce, to effectively regulate
5 such commerce, and to protect the health and welfare of
6 consumers.”

7 SEC. 3. Section 3 of said Act (21 U.S.C. 452) is hereby
8 amended to read:

9 “SEC. 3. It is hereby declared to be the policy of the Con-
10 gress to provide for the inspection of poultry and poultry
11 products and otherwise regulate the processing and distribu-
12 tion of such articles as hereinafter prescribed to prevent the
13 movement or sale in interstate or foreign commerce of, or the
14 burdening of such commerce by, poultry products which are
15 adulterated or misbranded. It is the intent of Congress that
16 all poultry which is injurious for human consumption shall
17 be condemned. The reason for condemnation must be sup-
18 ported by substantial scientific fact.”

19 SEC. 4. Section 4 of said Act (21 U.S.C. 453) is hereby
20 amended to read:

21 “SEC. 4. For purposes of this Act—

22 “(a) The term ‘commerce’ means commerce between any
23 State, any territory, or the District of Columbia, and any
24 place outside thereof; or within any territory not organized
25 with a legislative body, or the District of Columbia.

26 “(b) Except as otherwise provided in this Act, the term

1 'State' means any State of the United States and the Com-
2 monwealth of Puerto Rico.

3 "(c) The term 'territory' means Guam, the Virgin
4 Islands of the United States, American Samoa, and any
5 other territory or possession of the United States, excluding
6 the Canal Zone.

7 "(d) The term 'United States' means the States, the
8 District of Columbia, and the territories of the United States.

9 "(e) The term 'poultry' means any domesticated bird,
10 whether live or dead.

11 "(f) The term 'poultry product' means any poultry car-
12 cass, or part thereof; or any product which is made wholly or
13 in part from any poultry carcass or part thereof, excepting
14 products which contain poultry ingredients only in a rela-
15 tively small proportion or historically have not been consid-
16 ered by consumers as products of the poultry food industry,
17 and which are exempted by the Secretary from definition
18 as a poultry product under such conditions as the Secretary
19 may prescribe to assure that the poultry ingredients in such
20 products are not adulterated and that such products are not
21 represented as poultry products.

22 "(g) The term 'adulterated' shall apply to any poultry
23 product under one or more of the following circumstances:

24 "(1) if it bears or contains any poisonous or dele-
25 terious substance which may render it injurious to

1 health; but in case the substance is not an added sub-
2 stance, such article shall not be considered adulterated
3 under this clause if the quantity of such substance in or
4 on such article does not ordinarily render it injurious
5 to health;

6 “(2)(A) if it bears or contains (by reason of
7 administration of any substance to the live poultry or
8 otherwise) any added poisonous or added deleterious sub-
9 stance (other than one which is (i) a pesticide chemical
10 in or on a raw agricultural commodity; (ii) a food
11 additive; or (iii) a color additive) which may, in the
12 judgment of the Secretary, make such article unfit for
13 human food;

14 “(B) if it is, in whole or in part, a raw agricultural
15 commodity and such commodity bears or contains a
16 pesticide chemical which is unsafe within the meaning
17 of section 408 of the Federal Food, Drug, and Cosmetic
18 Act;

19 “(C) if it bears or contains any food additive which
20 is unsafe within the meaning of section 409 of the Fed-
21 eral Food, Drug, and Cosmetic Act;

22 “(D) if it bears or contains any color additive
23 which is unsafe within the meaning of section 706 of
24 the Federal Food, Drug, and Cosmetic Act: Provided,
25 That an article which is not otherwise deemed adulter-

1 *ated under clause (B), (C), or (D) shall nevertheless*
2 *be deemed adulterated if use of the pesticide chemical,*
3 *food additive, or color additive in or on such article is*
4 *prohibited by regulations of the Secretary in official*
5 *establishments;*

6 *“(3) if it consists in whole or in part of any filthy,*
7 *putrid, or decomposed substance or is for any other rea-*
8 *son unsound, unhealthful, unwholesome, or otherwise*
9 *unfit for human food;*

10 *“(4) if it has been prepared, packed, or held under*
11 *insanitary conditions whereby it may have become con-*
12 *taminated with filth, or whereby it may have been ren-*
13 *dered injurious to health;*

14 *“(5) if it is, in whole or in part, the product of any*
15 *poultry which has died otherwise than by slaughter;*

16 *“(6) if its container is composed, in whole or in*
17 *part, of any poisonous or deleterious substance which*
18 *may render the contents injurious to health;*

19 *“(7) if it has been intentionally subjected to radia-*
20 *tion, unless the use of the radiation was in conformity*
21 *with a regulation or exemption in effect pursuant to sec-*
22 *tion 409 of the Federal Food, Drug, and Cosmetic*
23 *Act; or*

24 *“(8) if any valuable constituent has been in whole*

1 *or in part omitted or abstracted therefrom; or if any sub-*
2 *stance has been substituted, wholly or in part therefor;*
3 *or if damage or inferiority has been concealed in any*
4 *manner; or if any substance has been added thereto or*
5 *mixed or packed therewith so as to increase its bulk or*
6 *weight, or reduce its quality or strength, or make it*
7 *appear better or of greater value than it is.*

8 *“(h) The term ‘misbranded’ shall apply to any poultry*
9 *product under one or more of the following circumstances:*

10 *“(1) if its labeling is false or misleading in any*
11 *particular;*

12 *“(2) if it is offered for sale under the name of an-*
13 *other food;*

14 *“(3) if it is an imitation of another food, unless its*
15 *label bears, in type of uniform size and prominence, the*
16 *word ‘imitation’ and immediately thereafter, the name*
17 *of the food imitated;*

18 *“(4) if its container is so made, formed, or filled as*
19 *to be misleading;*

20 *“(5) unless it bears a label showing (A) the name*
21 *and the place of business of the manufacturer, packer,*
22 *or distributor; and (B) an accurate statement of the*
23 *quantity of the product in terms of weight, measure, or*
24 *numerical count; Provided, That under clause (B) of*

1 *this subparagraph (5), reasonable variations may be*
2 *permitted, and exemptions as to small packages or*
3 *articles not in packages or other containers may be estab-*
4 *lished by regulations prescribed by the Secretary;*

5 “(6) if any word, statement, or other information
6 *required by or under authority of this Act to appear on*
7 *the label or other labeling is not prominently placed*
8 *thereon with such conspicuousness (as compared with*
9 *other words, statements, designs, or devices, in the*
10 *labeling) and in such terms as to render it likely to be*
11 *read and understood by the ordinary individual under*
12 *customary conditions of purchase and use;*

13 “(7) if it purports to be or is represented as a food
14 *for which a definition and standard of identity or compo-*
15 *sition has been prescribed by regulations of the Secre-*
16 *tary under section 8 of this Act unless (A) it conforms*
17 *to such definition and standard, and (B) its label bears*
18 *the name of the food specified in the definition and stand-*
19 *ard and, insofar as may be required by such regulations,*
20 *the common names of optional ingredients (other than*
21 *spices, flavoring, and coloring) present in such food;*

22 “(8) if it purports to be or is represented as a food
23 *for which a standard or standards of fill of container have*
24 *been prescribed by regulations of the Secretary under*

1 *section 8 of this Act, and it falls below the standard of*
2 *fill of container applicable thereto, unless its label bears,*
3 *in such manner and form as such regulations specify, a*
4 *statement that it falls below such standard;*

5 *“(9) if it is not subject to the provisions of subpara-*
6 *graph (7), unless its label bears (A) the common or*
7 *usual name of the food, if any there be, and (B) in case*
8 *it is fabricated from two or more ingredients, the com-*
9 *mon or usual name of each such ingredient; except that*
10 *spices, flavorings, and colorings may, when authorized*
11 *by the Secretary, be designated as spices, flavorings,*
12 *and colorings without naming each: Provided, That to*
13 *the extent that compliance with the requirements of*
14 *clause (B) of this subparagraph (9) is impracticable*
15 *or results in deception or unfair competition, exemptions*
16 *shall be established by regulations promulgated by the*
17 *Secretary;*

18 *“(10) if it purports to be or is represented for*
19 *special dietary uses unless its label bears such informa-*
20 *tion concerning its vitamin, mineral, and other dietary*
21 *properties as the Secretary, after consultation with the*
22 *Secretary of Health, Education, and Welfare, determines*
23 *to be, and by regulations prescribes as, necessary in order*
24 *fully to inform purchasers as to its value for such uses;*

25 *“(11) if it bears or contains any artificial flavoring,*

1 *artificial coloring, or chemical preservative, unless it*
2 *bears labeling stating that fact: Provided, That, to the*
3 *extent that compliance with the requirements of this*
4 *subparagraph (11) is impracticable, exemptions shall*
5 *be established by regulations promulgated by the*
6 *Secretary; or*

7 *“(12) if it fails to bear on its containers as the*
8 *Secretary may by regulations prescribe, the official in-*
9 *spection legend and official establishment number of the*
10 *establishment where the article was processed, and, un-*
11 *restricted by any of the foregoing, such other information*
12 *as the Secretary may require in such regulations to assure*
13 *that it will not have false or misleading labeling and that*
14 *the public will be informed of the manner of handling*
15 *required to maintain the article in a wholesome condition.*

16 *“(i) The term ‘Secretary’ means the Secretary of Agri-*
17 *culture or his delegate.*

18 *“(j) The term ‘person’ means any individual, partner-*
19 *ship, corporation, association, or other business unit.*

20 *“(k) The term ‘inspector’ means: (1) an employee or*
21 *official of the United States Government authorized by the*
22 *Secretary to inspect poultry and poultry products under the*
23 *authority of this Act, or (2) any employee or official of the*
24 *government of any State or territory or the District of Co-*
25 *lumbia authorized by the Secretary to inspect poultry and*

1 poultry products under authority of this Act, under an agree-
2 ment entered into between the Secretary and the appropriate
3 State or other agency.

4 “(l) The term ‘official mark’ means the official inspection
5 legend or any other symbol prescribed by regulation of the
6 Secretary to identify the status of any article or poultry under
7 this Act.

8 “(m) The term ‘official inspection legend’ means any
9 symbol prescribed by regulations of the Secretary showing
10 that an article was inspected for wholesomeness in accordance
11 with this Act. The Secretary shall not require any change in
12 the official inspection legend in use under this Act on the date
13 of enactment of the Wholesome Poultry Products Act.

14 “(n) The term ‘official certificate’ means any certificate
15 prescribed by regulations of the Secretary for issuance by an
16 inspector or other person performing official functions under
17 this Act.

18 “(o) The term ‘official device’ means any device pre-
19 scribed or authorized by the Secretary for use in applying
20 any official mark.

21 “(p) The term ‘official establishment’ means any estab-
22 lishment as determined by the Secretary at which inspection
23 of the slaughter of poultry, or the processing of poultry prod-
24 ucts, is maintained under the authority of this Act.

25 “(q) The term ‘inspection service’ means the official

1 *Government service within the Department of Agriculture*
2 *designated by the Secretary as having the responsibility for*
3 *carrying out the provisions of this Act.*

4 “(r) *The term ‘container’ or ‘package’ includes any box,*
5 *can, tin, cloth, plastic, or other receptacle, wrapper, or cover.*

6 “(s) *The term ‘label’ means a display of written,*
7 *printed, or graphic matter upon any article or the immediate*
8 *container (not including packaged liners) of any article; and*
9 *the term ‘labeling’ means all labels and other written,*
10 *printed, or graphic matter (1) upon any article or any of*
11 *its containers or wrappers, or (2) accompanying such*
12 *article.*

13 “(t) *The term ‘shipping container’ means any container*
14 *used or intended for use in packaging the product packed in*
15 *an immediate container.*

16 “(u) *The term ‘immediate container’ includes any con-*
17 *sumer package; or any other container in which poultry*
18 *products, not consumer packaged, are packed.*

19 “(v) *The term ‘capable of use as human food’ shall*
20 *apply to any carcass, or part or product of a carcass, of any*
21 *poultry, unless it is denatured or otherwise identified as re-*
22 *quired by regulations prescribed by the Secretary to deter its*
23 *use as human food, or it is naturally inedible by humans.*

24 “(w) *The term ‘processed’ means slaughtered, canned,*

14 salted, stuffed, rendered, boned, cut up, or otherwise manu-
15 factured or processed.

16 “(x) The term ‘Federal Food, Drug, and Cosmetic
17 Act’ means the Act so entitled, approved June 25, 1938
18 (52 Stat. 1040), and Acts amendatory thereof or supple-
19 mentary thereto.

20 “(y) The terms ‘pesticide chemical’, ‘food additive’,
21 ‘color additive’, and ‘raw agricultural commodity’ shall have
22 the same meanings for purposes of this Act as under the
23 Federal Food, Drug, and Cosmetic Act.

24 “(z) The term ‘poultry products broker’ means any
25 person engaged in the business of buying or selling poultry
14 products on commission, or otherwise negotiating purchases
15 or sales of such articles other than for his own account or as
16 an employee of another person.

17 “(aa) The term ‘renderer’ means any person engaged
18 in the business of rendering carcasses, or parts or products
19 of the carcasses, of poultry, except rendering conducted
20 under inspection or exemption under this Act.

21 “(bb) The term ‘animal food manufacturer’ means any
22 person engaged in the business of manufacturing or process-
23 ing animal food derived wholly or in part from carcasses, or
24 parts or products of the carcasses, of poultry.”

1 *SEC. 5. Section 5 of said Act (21 U.S.C. 454) is hereby*
2 *amended to read:*

3 *“SEC. 5. (a) It is the policy of the Congress to protect*
4 *the consuming public from poultry products that are adulter-*
5 *ated or misbranded and to assist in efforts by State and other*
6 *government agencies to accomplish this objective. In fur-*
7 *therance of this policy—*

8 *“(1) The Secretary is authorized, whenever he*
9 *determines that it would effectuate the purposes of this*
10 *Act, to cooperate with the appropriate State agency in*
11 *developing and administering a State poultry product*
12 *inspection program in any State which has enacted a*
13 *mandatory State poultry product inspection law that im-*
14 *poses ante mortem and post mortem inspection, reinspec-*
15 *tion and sanitation requirements that are at least equal to*
16 *those under this Act, with respect to all or certain classes*
17 *of persons engaged in the State in slaughtering poultry or*
18 *processing poultry products for use as human food solely*
19 *for distribution within such State.*

20 *“(2) The Secretary is further authorized, whenever*
21 *he determines that it would effectuate the purposes of*
22 *this Act, to cooperate with appropriate State agencies*
23 *in developing and administering State programs under*
24 *State laws containing authorities at least equal to those*

1 *provided in section 11 of this Act; and to cooperate with*
2 *other agencies of the United States in carrying out any*
3 *provisions of this Act. In carrying out the provisions of*
4 *this Act, the Secretary may conduct such examinations,*
5 *investigations, and inspections as he determines practi-*
6 *cable through any officer or employee of any State or*
7 *Territory or the District of Columbia commissioned by*
8 *the Secretary for such purpose.*

9 “(3) Cooperation with State agencies under this
10 section may include furnishing to the appropriate State
11 agency (i) advisory assistance in planning and otherwise
12 developing an adequate State program under the State
13 law; and (ii) technical and laboratory assistance and
14 training (including necessary curricular and instruc-
15 tional materials and equipment), and financial and other
16 aid for administration of such a program. The amount
17 to be contributed to any State by the Secretary under
18 this section from Federal funds for any year shall not
19 exceed 50 per centum of the estimated total cost of the
20 cooperative program; and the Federal funds shall be
21 allocated among the States desiring to cooperate on an
22 equitable basis. Such cooperation and payment shall be
23 contingent at all times upon the administration of the
24 State program in a manner which the Secretary, in con-
25 sultation with the appropriate advisory committee ap-

1 pointed under subparagraph (4), deems adequate to
2 effectuate the purposes of this section.

3 “(4) The Secretary may appoint advisory commit-
4 tees consisting of such representatives of appropriate
5 State agencies as the Secretary and the State agencies
6 may designate to consult with him concerning State
7 and Federal programs with respect to poultry product
8 inspection and other matters within the scope of this Act,
9 including evaluating State programs for purposes of this
10 Act and obtaining better coordination and more uni-
11 formity among the State programs and between the Fed-
12 eral and State programs and adequate protection of
13 consumers.

14 “(b) The appropriate State agency with which the
15 Secretary may cooperate under this Act shall be a single
16 agency in the State which is primarily responsible for the
17 coordination of the State programs having objectives similar
18 to those under this Act. When the State program includes
19 performance of certain functions by a municipality or other
20 subordinate governmental unit, such unit shall be deemed to
21 be a part of the State agency for purposes of this section.

22 “(c)(1) If the Secretary has reason to believe, by
23 thirty days prior to the expiration of two years after enact-
24 ment of the Wholesome Poultry Products Act, that a State
25 has failed to develop or is not enforcing, with respect to all

1 establishments within its jurisdiction (except those that
2 would be exempted from Federal inspection under subpara-
3 graph (2) of this paragraph (c)) at which poultry are
4 slaughtered, or poultry products are processed for use as
5 human food, solely for distribution within such State, and the
6 products of such establishments, requirements at least equal
7 to those imposed under sections 1-4, 6-10, and 12-22 of this
8 Act, he shall promptly notify the Governor of the State of
9 this fact. If the Secretary determines, after consultation with
10 the Governor of the State, or representative selected by him,
11 that such requirements have not been developed and acti-
12 vated, he shall promptly after the expiration of such two-
13 year period designate such State as one in which the pro-
14 visions of said sections of this Act shall apply to operations
15 and transactions wholly within such State: Provided, That if
16 the Secretary has reason to believe that the State will acti-
17 vate such requirements within one additional year, he may
18 delay such designation for said period, and not designate the
19 State, if he determines at the end of the year that the State
20 then has such requirements in effective operation. The Secre-
21 tary shall publish any such designation in the Federal Regis-
22 ter and, upon the expiration of thirty days after such publi-
23 cation, the provisions of said sections of this Act shall apply
24 to operations and transactions and to persons engaged there-
25 in in the State to the same extent and in the same manner

1 as if such operations and transactions were conducted in or
2 for commerce. However, notwithstanding any other provi-
3 sion of this section, if the Secretary determines that any
4 establishment within a State is producing adulterated poul-
5 try products for distribution within such State which would
6 clearly endanger the public health he shall notify the Gover-
7 nor of the State and the appropriate advisory committee
8 provided for by subparagraph (a)(4) of this section of such
9 fact for effective action under State or local law. If the State
10 does not take action to prevent such endangering of the
11 public health within a reasonable time after such notice, as
12 determined by the Secretary, in light of the risk to public
13 health, the Secretary may forthwith designate any such
14 establishment as subject to the provisions of said sections of
15 this Act, and thereupon the establishment and operator
16 thereof shall be subject to such provisions as though engaged
17 in commerce until such time as the Secretary determines that
18 such State has developed and will enforce requirements at
19 least equal to those imposed under said sections.

20 “(2) The provisions of this Act requiring inspection of
21 the slaughter of poultry and the processing of poultry prod-
22 ucts shall not apply to operations of types traditionally and
23 usually conducted at retail stores and restaurants, when con-
24 ducted at any retail store or restaurant or similar retail-type
25 establishment for sale in normal retail quantities or service

1 of such articles to consumers at such establishments if such
2 establishments are subject to such inspection provisions only
3 under this paragraph (c).

4 “(3) Whenever the Secretary determines that any State
5 designated under this paragraph (c) has developed and will
6 enforce State poultry products inspection requirements at
7 least equal to those imposed under the aforesaid sections of
8 this Act, with respect to the operations and transactions
9 within such State which are regulated under subparagraph
10 (1) of this paragraph (c), he shall terminate the designation
11 of such State under this paragraph (c), but this shall not
12 preclude the subsequent redesignation of the State at any
13 time upon thirty days’ notice to the Governor and publication
14 in the Federal Register in accordance with this paragraph,
15 and any State may be designated upon such notice and
16 publication, at any time after the period specified in this
17 paragraph whether or not the State has theretofore been
18 designated, upon the Secretary determining that it is not
19 effectively enforcing requirements at least equal to those
20 imposed under said sections.

21 “(4) The Secretary shall promptly upon enactment of
22 the Wholesome Poultry Products Act, and periodically there-
23 after, but at least annually, review the requirements, includ-
24 ing the enforcement thereof, of the several States not desig-
25 nated under this paragraph (c), with respect to the slaugh-

1 ter, and the processing storage, handling, and distribution of
2 poultry products, and inspection of such operations, and
3 annually report thereon to the Committee on Agriculture of
4 the House of Representatives and the Committee on Agriculture and Forestry of the Senate in the report required in section 27 of this Act.

7 “(5) Poultry products processed under State inspection at any establishment in any State, not designated under
8 this paragraph (c), in accordance with requirements which
9 the Secretary has determined are at least equal to those under
10 sections 1-4, 6-10, and 12-22 of this Act, shall be eligible
11 for distribution in commerce (including entry into any establishment at which inspection is maintained under this Act)
12 upon the same basis as poultry products inspected under this
13 Act, when they are marked under such supervision and other
14 conditions as the Secretary may by regulation prescribe, with
15 a combined State-Federal official inspection legend.

18 “(d) As used in this section, the term ‘State’ means
19 any State (including the Commonwealth of Puerto Rico) or
20 organized territory.”

21 SEC. 6. Section 6 of said Act (21 U.S.C. 455) is
22 hereby amended as follows:

23 (a) Paragraph (a) is amended to read:

24 “(a) For the purpose of preventing the entry into or

1 flow or movement in commerce of, or the burdening of
2 commerce by, any poultry product which is capable of use
3 as human food and is adulterated, the Secretary shall, where
4 and to the extent considered by him necessary, cause to be
5 made by inspectors ante mortem inspection of poultry in
6 each official establishment processing poultry or poultry
7 products for commerce or otherwise subject to inspection
8 under this Act."

9 (b) Paragraph (b) is amended by deleting the phrase
10 "in, or for marketing in a designated city or area" and sub-
11 stituting the phrase "otherwise subject to inspection under
12 this Act"; by inserting the word "and" before the word
13 "reinspection"; and by inserting the phrase "capable of use
14 as human food" after the phrase "poultry products" the
15 first time the latter phrase appears in the paragraph.

16 (c) Paragraph (c) is amended by deleting the phrase
17 "unwholesome or" and the phrase "not unwholesome and"
18 each time they appear therein; and by inserting the word
19 "other" before the phrase "poultry products".

20 SEC. 7. In section 7 of said Act (21 U.S.C. 456) para-
21 graph (a) is hereby amended by deleting the phrase "in or
22 for marketing in a designated major consuming area" and
23 substituting the phrase "otherwise subject to inspection under
24 this Act"; by deleting the phrase "in a designated major
25 consuming area" and substituting the phrase "burdensome

1 effect upon commerce"; and by deleting the phrase "un-
2 wholesome or".

3 SEC. 8. Section 8 of said Act (21 U.S.C. 457) is hereby
4 amended to read:

5 "SEC. 8. (a) All poultry products inspected at any offi-
6 cial establishment under the authority of this Act and found
7 to be not adulterated, shall at the time they leave the estab-
8 lishment bear, in distinctly legible form, on their shipping
9 containers and immediate containers as the Secretary may
10 require, the information required under paragraph (h) of
11 section 4 of this Act.

12 "(b) The Secretary, whenever he determines such ac-
13 tion is necessary for the protection of the public, may pre-
14 scribe: (1) the styles and sizes of type to be used with respect
15 to material required to be incorporated in labeling to avoid
16 false or misleading labeling in marking and labeling any
17 articles or poultry subject to this Act; (2) definitions and
18 standards of identity or composition or articles subject to this
19 Act and standards of fill of container for such articles not in-
20 consistent with any such standards established under the
21 Federal Food, Drug, and Cosmetic Act, and there shall be
22 consultation between the Secretary and the Secretary of
23 Health, Education, and Welfare prior to the issuance of such
24 standards under either Act relating to articles subject to this

1 Act to avoid inconsistency in such standards and possible
2 impairment of the coordinated effective administration of
3 these Acts. There shall also be consultation between the Sec-
4 retary and an appropriate advisory committee provided for
5 in section 5 of this Act, prior to the issuance of such stand-
6 ards under this Act, to avoid, insofar as feasible, inconsistency
7 between Federal and State standards.

8 “(c) No article subject to this Act shall be sold or offered
9 for sale by any person in commerce, under any name or
10 other marking or labeling which is false or misleading, or in
11 any container of a misleading form or size, but established
12 trade names and other marking and labeling and containers
13 which are not false or misleading and which are approved
14 by the Secretary are permitted.

15 “(d) If the Secretary has reason to believe that any
16 marking or labeling or the size or form of any container in
17 use or proposed for use with respect to any article subject
18 to this Act is false or misleading in any particular, he may
19 direct that such use be withheld unless the marking, labeling,
20 or container is modified in such manner as he may pre-
21 scribe so that it will not be false or misleading. If the person
22 using or proposing to use the marking, labeling, or container
23 does not accept the determination of the Secretary, such
24 person may request a hearing, but the use of the marking,
25 labeling, or container shall, if the Secretary so directs, be

1 withheld pending hearing and final determination by the
 2 Secretary. Any such determination by the Secretary shall
 3 be conclusive unless, within thirty days after receipt of
 4 notice of such final determination, the person adversely
 5 affected thereby appeals to the United States Court of Ap-
 6 peals for the circuit in which such person has its principal
 7 place of business or to the United States Court of Appeals
 8 for the District of Columbia Circuit. The provisions of sec-
 9 tion 204 of the Packers and Stockyards Act, 1921 (42
 10 Stat. 162, as amended; 7 U.S.C. 194) shall be applicable
 11 to appeals taken under this section.”

12 SEC. 9. Section 9 of said Act (21 U.S.C. 458) is
 13 amended to read:

14 “SEC. 9. (a) No person shall—

15 “(1) slaughter any poultry or process any poultry
 16 products which are capable of use as human food at any
 17 establishment processing any such articles for commerce,
 18 except in compliance with the requirements of this Act;

19 “(2) sell, transport, offer for sale or transportation,
 20 or receive for transportation, in commerce, (A) any
 21 poultry products which are capable of use as human food
 22 and are adulterated or misbranded at the time of such
 23 sale, transportation, offer for sale or transportation, or
 24 receipt for transportation; or (B) any poultry products

1 *required to be inspected under this Act unless they have*
2 *been so inspected and passed;*

3 “(3) *do, with respect to any poultry products which*
4 *are capable of use as human food, any act while they*
5 *are being transported in commerce or held for sale after*
6 *such transportation, which is intended to cause or has*
7 *the effect of causing such products to be adulterated or*
8 *misbranded;*

9 “(4) *sell, transport, offer for sale or transporta-*
10 *tion, or receive for transportation, in commerce or from*
11 *an official establishment, any slaughtered poultry from*
12 *which the blood, feathers, feet, head, or viscera have*
13 *not been removed in accordance with regulations pro-*
14 *mulgated by the Secretary, except as may be authorized*
15 *by regulations of the Secretary;*

16 “(5) *use to his own advantage, or reveal other*
17 *than to the authorized representatives of the United*
18 *States Government or any State or other government*
19 *in their official capacity, or as ordered by a court in any*
20 *judicial proceedings, any information acquired under the*
21 *authority of this Act concerning any matter which is*
22 *entitled to protection as a trade secret.*

23 “(b) *No brand manufacturer, printer, or other person*
24 *shall cast, print, lithograph, or otherwise make any device*
25 *containing any official mark or simulation thereof, or any*

1 *label bearing any such mark or simulation, or any form of*
2 *official certificate or simulation thereof, except as authorized*
3 *by the Secretary.*

4 “(c) No person shall—

5 “(1) *forge any official device, mark, or certificate;*

6 “(2) *without authorization from the Secretary use*
7 *any official device, mark, or certificate, or simulation*
8 *thereof, or alter, detach, deface, or destroy any official*
9 *device, mark, or certificate;*

10 “(3) *contrary to the regulations prescribed by the*
11 *Secretary, fail to use, or to detach, deface, or destroy*
12 *any official device, mark, or certificate;*

13 “(4) *knowingly possess, without promptly notify-*
14 *ing the Secretary or his representative, any official de-*
15 *vice or any counterfeit, simulated, forged, or improperly*
16 *altered official certificate or any device or label or any*
17 *carcass of any poultry, or part or product thereof, bear-*
18 *ing any counterfeit, simulated, forged, or improperly*
19 *altered official mark;*

20 “(5) *knowingly make any false statement in any*
21 *shipper's certificate or other nonofficial or official certifi-*
22 *cate provided for in the regulations prescribed by the*
23 *Secretary; or*

24 “(6) *knowingly represent that any article has been*
25 *inspected and passed, or exempted, under this Act when,*

1 in fact, it has, respectively, not been so inspected and
2 passed, or exempted.”

3 SEC. 10. Section 10 of said Act (21 U.S.C. 459) is
4 hereby amended by deleting the phrase “in or for marketing
5 in a designated major consuming area” and substituting the
6 phrase “otherwise subject to this Act”.

7 SEC. 11. Section 11 of said Act (21 U.S.C. 460) is
8 hereby amended to read:

9 “(a) Inspection shall not be provided under this Act
10 at any establishment for the slaughter of poultry or the
11 processing of any carcasses or parts or products of poultry,
12 which are not intended for use as human food, but such
13 articles shall, prior to their offer for sale or transportation
14 in commerce, unless naturally inedible by humans, be de-
15 natured or otherwise identified as prescribed by regulations
16 of the Secretary to deter their use for human food. No person
17 shall buy, sell, transport, or offer for sale or transportation,
18 or receive for transportation, in commerce, or import, any
19 poultry carcasses or parts or products thereof which are not
20 intended for use as human food unless they are denatured or
21 otherwise identified as required by the regulations of the
22 Secretary or are naturally inedible by humans.

23 “(b) The following classes of persons shall, for such
24 period of time as the Secretary may by regulations prescribe,
25 not to exceed two years unless otherwise directed by the Sec-

1 retary for good cause shown, keep such records as are proper-
2 ly necessary for the effective enforcement of this Act in order
3 to insure against adulterated or misbranded poultry products
4 for the American consumer; and all persons subject to such
5 requirements shall, at all reasonable times, upon notice by a
6 duly authorized representative of the Secretary, afford such
7 representative access to their places of business and opportu-
8 nity to examine the facilities, inventory, and records thereof,
9 to copy all such records, and to take reasonable samples of
10 their inventory upon payment of the fair market value there-
11 for—

12 “(1) Any person that engages in the business of
13 slaughtering any poultry or processing, freezing, packag-
14 ing, or labeling any carcasses, or parts or products of
15 carcasses, of any poultry, for commerce, for use as
16 human food or animal food;

17 “(2) Any person that engages in the business of buy-
18 ing or selling (as poultry products brokers, wholesalers
19 or otherwise), or transporting, in commerce, or storing
20 in or for commerce, or importing, any carcasses, or parts
21 or products of carcasses, of any poultry;

22 “(3) Any person that engages in business, in or for
23 commerce, as a renderer, or engages in the business of
24 buying, selling, or transporting, in commerce, or import-
25 ing, any dead, dying, disabled, or diseased poultry or

1 *parts of the carcasses of any poultry that died otherwise*
2 *than by slaughter.*

3 “(c) No person shall engage in business, in or for com-
4 *merce, as a poultry products broker, renderer, or animal food*
5 *manufacturer, or engage in business in commerce as a whole-*
6 *saler of any carcasses, or parts or products of the carcasses,*
7 *of any poultry, whether intended for human food or other*
8 *purposes, or engage in business as a public warehouseman*
9 *storing any such articles in or for commerce, or engage in*
10 *the business of buying, selling, or transporting in commerce,*
11 *or importing, any dead, dying, disabled, or diseased poultry,*
12 *or parts of the carcasses of any poultry that died otherwise*
13 *than by slaughter, unless, when required by regulations of*
14 *the Secretary, he has registered with the Secretary his name,*
15 *and the address of each place of business at which, and all*
16 *trade names under which, he conducts such business.*

17 “(d) No person engaged in the business of buying, sell-
18 *ing, or transporting in commerce, or importing, dead, dying,*
19 *disabled, or diseased poultry, or any parts of the carcasses of*
20 *any poultry that died otherwise than by slaughter, shall buy,*
21 *sell, transport, offer for sale or transportation, or receive for*
22 *transportation, in commerce, or import, any dead, dying, dis-*
23 *abled, or diseased poultry or parts of the carcasses of any*
24 *poultry that died otherwise than by slaughter, unless such*
25 *transaction, transportation or importation is made in accord-*

1 ance with such regulations as the Secretary may prescribe to
2 assure that such poultry, or the unwholesome parts or prod-
3 ucts thereof, will be prevented from being used for human
4 food.

5 “(e) The authority conferred on the Secretary by para-
6 graph (b), (c), or (d) of this section with respect to per-
7 sons engaged in the specified kinds of business in or for
8 commerce may be exercised with respect to persons engaged,
9 in any State or organized territory, in such kinds of business
10 but not in or for commerce, whenever the Secretary deter-
11 mines, after consultation with an appropriate advisory com-
12 mittee provided for in section 5 of this Act, that the State or
13 territory does not have at least equal authority under its
14 laws or such authority is not exercised in a manner to effec-
15 tuate the purposes of this Act, including the State or territory
16 providing for the Secretary or his representative being af-
17 forded access to such places of business and the facilities,
18 inventories, and records thereof, and the taking of reasonable
19 samples, where he determines necessary in carrying out his
20 responsibilities under this Act; and in such case the pro-
21 visions of paragraph (b), (c), or (d) of this section, re-
22 spectively, shall apply to such persons to the same extent and
23 in the same manner as if they were engaged in such busi-
24 ness in or for commerce and the transactions involved were
25 in commerce.”

1 *SEC. 12. Section 12 of said Act (21 U.S.C. 461) is*
2 *hereby amended as follows:*

3 *(a) Paragraph (a) is amended by changing the first*
4 *sentence to read:*

5 *“Any person who violates the provisions of section 9,*
6 *10, 11, 14, or 17 of this Act shall be fined not more than*
7 *\$1,000 or imprisoned not more than one year, or both;*
8 *but if such violation involves intent to defraud, or any dis-*
9 *tribution or attempted distribution of an article that is adulter-*
10 *ated (except as defined in section 4(g)(8) of this Act),*
11 *such person shall be find not more than \$10,000 or impris-*
12 *oned not more than three years, or both.”*

13 *(b) Paragraph (b) is amended by deleting the phrase*
14 *“not otherwise eligible” and substituting the phrase “other-*
15 *wise not eligible”; by deleting the word “slaughtered” each*
16 *time it appears; and by adding the following before the*
17 *period at the end of the paragraph: “or unless the carrier*
18 *refuses to furnish on request of a representative of the Secre-*
19 *tary the name and address of the person from whom he re-*
20 *ceived such poultry or poultry products, and copies of all*
21 *documents, if any there be, pertaining to the delivery of*
22 *the poultry or poultry products to such carrier”.*

23 *(c) A new paragraph (c) is added to read:*

24 *“(c) Any person who forcibly assaults, resists, opposes*
25 *impedes, intimidates, or interferes with any person while*

1 engaged in or on account of the performance of his official
2 duties under this Act shall be fined not more than \$5,000
3 or imprisoned not more than three years, or both. Who-
4 ever, in the commission of any such acts, uses a deadly or
5 dangerous weapon, shall be fined not more than \$10,000
6 or imprisoned not more than ten years, or both. Whoever
7 kills any person while engaged in or on account of the per-
8 formance of his official duties under this Act shall be punished
9 as provided under sections 1111 and 1114 of title 18, United
10 States Code.”

11 SEC. 13. (a) Section 14 of said Act (21 U.S.C. 463) is
12 hereby amended by designating the present provisions thereof
13 as paragraph (b); by inserting the word “other” before
14 the word “rules” in said paragraph; and by adding a new
15 paragraph (a) to read:

16 “(a) The Secretary may by regulations prescribe con-
17 ditions under which poultry products capable of use as human
18 food, shall be stored or otherwise handled by any person en-
19 gaged in the business of buying, selling, freezing, storing, or
20 transporting, in or for commerce, or importing, such articles,
21 whenever the Secretary deems such action necessary to as-
22 sure that such articles will not be adulterated or misbranded
23 when delivered to the consumer. Violation of any such
24 regulation is prohibited.

1 (b) Section 14 of said Act is further amended by in-
 2 serting at the end thereof the following new subsection:

3 “(c) In applying the provisions of section 553(c) of
 4 title 5, United States Code, to proposed rule making under
 5 this Act, an opportunity for the oral presentation of views
 6 shall be accorded all interested persons.”

7 SEC. 14. Section 15 of said Act (21 U.S.C. 464) is
 8 hereby amended as follows:

9 (a) In paragraph (a), subparagraph (1) is deleted
 10 and subparagraphs (2), (3), and (4) are redesignated,
 11 respectively, as subparagraphs (1), (2), and (3);

12 (b) In paragraph (a), in redesignated subparagraph
 13 (2) (formerly (3)), the date “July 1, 1960” is deleted
 14 and the date “January 1, 1970” is substituted therefor;

15 (c) Paragraph (b) is redesignated as paragraph (e)
 16 and new paragraphs (b), (c), and (d) are added to read:

17 “(b) The Secretary may, under such sanitary conditions
 18 as he may by regulations prescribe, exempt from the inspec-
 19 tion requirements of this Act the slaughter of poultry, and
 20 the processing of poultry products, by any person in any
 21 Territory not organized with a legislative body, solely for
 22 distribution within such Territory, when the Secretary deter-
 23 mines that it is impracticable to provide such inspection with-
 24 in the limits of funds appropriated for administration of this

1 Act and that such exemption will aid in the effective adminis-
2 tration of this Act.

3 “(c) (1) The provisions of this Act shall not apply to
4 (i) poultry producers with respect to poultry of their own
5 raising on their own farms: Provided, That such producers
6 slaughter not more than 4,000 turkeys, or not more than
7 an equivalent number of birds of all species during the cal-
8 endar year for which this exemption is being determined (4.5
9 birds of other species being deemed the equivalent of one
10 turkey): Provided further, That such poultry producers do
11 not engage in buying or selling poultry products other than
12 those produced from poultry raised on their own farms:
13 Provided further, That none of such poultry moves in com-
14 merce (as defined in section 4(a) of this Act) other than
15 directly to household consumers or restaurants, hotels, and
16 boarding houses for use in their own dining rooms or in the
17 preparation of meals for sale direct to consumers only: Pro-
18 vided further, That such producers do not engage in selling
19 dressed poultry or poultry products which are not sound,
20 healthful, clean, and otherwise fit for human food; nor (ii)
21 to any person who slaughters, processes, or sells poultry the
22 wholesale dressed value of which does not exceed \$15,000
23 during the current calendar year: Provided, That none of
24 such poultry moves in commerce (as defined in section 4(a)

1 of this Act): Provided further, That such persons do not
2 engage in selling dressed poultry or poultry products which
3 are not sound, healthful, clean, and otherwise fit for human
4 food; nor (iii) to the slaughtering by any person of poultry
5 of his own raising, and the processing by him and transpor-
6 tation in commerce of the poultry products exclusively for
7 use by him and members of his household and his nonpaying
8 guests and employees; nor (iv) to the custom slaughter by
9 any person of poultry delivered by the owner thereof for
10 such slaughter, and the processing by such slaughterer and
11 transportation in commerce of the poultry products exclu-
12 sively for use, in the household of such owner, by him and
13 members of his household and his nonpaying guests and em-
14 ployees: Provided, That such custom slaughter does not
15 engaged in the business of buying or selling any poultry
16 products capable of use as human food.

17 “(2) In addition to the specific exemptions provided here-
18 in the Secretary shall, when he determines that the protection
19 of consumers from adulterated or misbranded poultry prod-
20 ucts will not be impaired by such action, provide by regulation
21 for further exempting the operation and products of small en-
22 terprises (including poultry producers) engaged in slaughter-
23 ing and/or cutting up poultry for distribution as carcasses or
24 parts thereof, which are subject to the provisions of this
25 Act only under section 5(c) from such provisions of this Act

1 as he deems appropriate, while still protecting the public from
2 adulterated or misbranded products, under such conditions,
3 including sanitary requirements, as he shall prescribe to effec-
4 tuate the purposes of this Act: Provided, That any such fur-
5 ther exemption may be revoked by the Secretary with respect
6 to any establishment if he determines that the operations of an
7 establishment under the exemption have resulted or will result
8 in the distribution of adulterated or misbranded poultry
9 products or that the operator of the establishment has failed
10 to comply with the conditions of exemption.

11 “(d) The adulteration and misbranding provisions of
12 this Act, other than the requirement of the inspection legend,
13 shall apply to articles which are exempted from inspection
14 or not required to be inspected under this section, except
15 as otherwise specified under paragraphs (a) and (c).”

16 SEC. 15. Section 16 of said Act (21 U.S.C. 465) is
17 hereby amended to read:

18 “SEC. 16. The Secretary may limit the entry of poultry
19 products and other materials into any official establishment,
20 under such conditions as he may prescribe to assure that
21 allowing the entry of such articles into such inspected estab-
22 lishments will be consistent with the purposes of this Act.”

23 SEC. 16. Section 17 of said Act (21 U.S.C. 466) is
24 hereby amended to read:

25 “SEC. 17. (a) No poultry products which are capable

1 of use as human food shall be imported into the United
2 States if such articles are adulterated or misbranded and un-
3 less they comply with all the inspection, building construc-
4 tion standards, and all other provisions of this Act and
5 regulations issued thereunder applicable to such articles in
6 commerce within the United States. All such imported arti-
7 cles shall, upon entry into the United States, be deemed and
8 treated as domestic articles subject to the other provisions
9 of this Act and the Federal Food, Drug, and Cosmetic Act:
10 Provided, That they shall be marked and labeled as required
11 by such regulations for imported articles: Provided further,
12 That nothing in this section shall apply to any individual
13 who purchases poultry products outside the United States
14 for his own consumption except that the total amount of
15 such poultry products shall not exceed fifty pounds.

16 “(b) The Secretary may prescribe the terms and con-
17 ditions for the destruction of all such articles which are im-
18 ported contrary to this section, unless (1) they are exported
19 by the consignee within the time fixed therefor by the Secre-
20 tary, or (2) in the case of articles which are not in com-
21 pliance with the Act solely because of misbranding, such
22 articles are brought into compliance with the Act under super-
23 vision of authorized representatives of the Secretary.

24 “(c) All charges for storage, cartage, and labor with
25 respect to any article which is imported contrary to this

1 section shall be paid by the owner or consignee, and in de-
2 fault of such payment shall constitute a lien against such
3 article and any other article thereafter imported under this
4 Act by or for such owner or consignee.

5 “(d) The knowing importation of any article contrary
6 to this section is prohibited.

7 “(e) Not later than March 1 of each year the Secretary
8 shall submit to the Committee on Agriculture of the House of
9 Representatives and the Committee on Agriculture and For-
10 estry of the Senate a comprehensive and detailed written
11 report with respect to the administration of this section during
12 the immediately preceding calendar year. Such report shall
13 include, but shall not be limited to—

14 “(1) a certification by the Secretary that foreign
15 plants exporting poultry products referred to in subsec-
16 tion (a) of this section have complied with requirements
17 at least equal to all the inspection, building construction
18 standards, and all other provisions of this Act and regu-
19 lations issued thereunder;

20 “(2) the names and locations of plants authorized or
21 permitted to have imported into the United States there-
22 from poultry products referred to in subsection (a) of
23 this section;

24 “(3) the number of inspectors employed by the De-

1 *partment of Agriculture in the calendar year concerned*
2 *who were assigned to inspect plants referred to in para-*
3 *graph (e) (2) hereof and the frequency with which each*
4 *such plant was inspected by such inspectors;*

5 *“(4) the number of inspectors licensed by each coun-*
6 *try from which any imports subject to the provisions of*
7 *this section were imported who were assigned, during the*
8 *calendar year concerned, to inspect such imports and*
9 *the facilities in which such imports were handled and the*
10 *frequency and effectiveness of such inspections; and*

11 *“(5) the total volume of poultry products referred to*
12 *in subsection (a) of this section which was imported into*
13 *the United States during the calendar year concerned*
14 *from each country, including a separate itemization of the*
15 *volume of each major category of such imports from each*
16 *country during such year, and a detailed report of re-*
17 *jections of plants and products because of failure to meet*
18 *appropriate standards prescribed by this Act.”*

19 *SEC. 17. Section 18 of said Act (21 U.S.C. 467) is*
20 *hereby amended to read:*

21 *“SEC. 18. (a) The Secretary may (for such period, or*
22 *indefinitely, as he deems necessary to effectuate the purposes*
23 *of this Act) refuse to provide, or withdraw, inspection service*
24 *under this Act with respect to any establishment if he deter-*
25 *mines, after opportunity for a hearing is accorded to the*

1 applicant for, or recipient of, such service, that such applicant
2 or recipient is unfit to engage in any business requiring in-
3 spection upon this Act because the applicant or recipient or
4 anyone responsibly connected with the applicant or recipient,
5 has been convicted, in any Federal or State court, within the
6 previous ten years of (1) any felony or more than one mis-
7 demeanor under any law based upon the acquiring, handling,
8 or distributing of adulterated, mislabeled, or deceptively pack-
9 aged food or fraud in connection with transactions in food;
10 or (2) any felony, involving fraud, bribery, extortion, or any
11 other act or circumstance indicating a lack of the integrity
12 needed for the conduct of operations affecting the public
13 health. For the purpose of this paragraph a person shall be
14 deemed to be responsibly connected with the business if he was
15 a partner, officer, director, holder, or owner of 10 per centum
16 or more of its voting stock or employee in a managerial or
17 executive capacity.

18 “(b) Upon the withdrawal of inspection service from
19 any official establishment for failure to destroy condemned
20 poultry products as required under section 6 of this Act, or
21 other failure of an official establishment to comply with the
22 requirements as to premises, facilities, or equipment, or the
23 operation thereof, as provided in section 7 of this Act, or the
24 refusal of inspection service to any applicant therefor be-
25 cause of failure to comply with any requirements under

1 section 7, the applicant for, or recipient of, the service shall,
2 upon request, be afforded opportunity for a hearing with
3 respect to the merits or validity of such action; but such
4 withdrawal or refusal shall continue in effect unless other-
5 wise ordered by the Secretary.

6 “(c) The determination and order of the Secretary
7 when made after opportunity for hearing, with respect to
8 withdrawal or refusal of inspection service under this Act
9 shall be final and conclusive unless the affected applicant for,
10 or recipient of, inspection service files application for judicial
11 review within thirty days after the effective date of such
12 order in the United States Court of Appeals as provided in
13 section 8 of this Act. Judicial review of any such order
14 shall be upon the record upon which the determination and
15 order are based. The provisions of section 204 of the
16 Packers and Stockyards Act of 1921, as amended, shall be
17 applicable to appeals taken under this section.”

18 SEC. 18. Sections 19 through 22 of said Act (21 U.S.C.
19 468, 469, 451 note) are hereby redesignated as sections
20 25, 26, 28, and 29, respectively, and new sections 19, 20,
21 21, 22, 23, 24, and 27 are added to the Act to read,
22 respectively:

23 “SEC. 19. Whenever any poultry product, or any prod-
24 uct exempted from the definition of a poultry product, or any
25 dead, dying, disabled, or diseased poultry is found by any

1 authorized representative of the Secretary upon any premises
2 where it is held for purposes of, or during or after distribution
3 in, commerce or otherwise subject to this Act, and there is
4 reason to believe that any such article is adulterated or mis-
5 branded and is capable of use as human food, or that it has
6 not been inspected, in violation of the provisions of this Act
7 or of any other Federal law or the laws of any State or
8 Territory, or the District of Columbia, or that it has been
9 or is intended to be, distributed in violation of any such
10 provisions, it may be detained by such representative for a
11 period not to exceed twenty days, pending action under
12 section 20 of this Act or notification of any Federal, State,
13 or other governmental authorities having jurisdiction over
14 such article or poultry, and shall not be moved by any person,
15 from the place at which it is located when so detained, until
16 released by such representative. All official marks may be
17 required by such representative to be removed from such
18 article or poultry before it is released unless it appears to
19 the satisfaction of the Secretary that the article or poultry is
20 eligible to retain such marks.

21 "SEC. 20. (a) Any poultry product, or any dead,
22 dying, disabled, or diseased poultry, that is being transported
23 in commerce or otherwise subject to this Act, or is held
24 for sale in the United States after such transportation, and

1 that (1) is or has been processed, sold, transported, or
2 otherwise distributed or offered or received for distribution
3 in violation of this Act, or (2) is capable of use as human
4 food and is adulterated or misbranded, or (3) in any other
5 way is in violation of this Act, shall be liable to be proceeded
6 against and seized and condemned, at any time, on a libel
7 of information in any United States district court or other
8 proper court as provided in section 21 of this Act within the
9 jurisdiction of which the article or poultry is found. If the
10 article or poultry is condemned it shall, after entry of the
11 decree, be disposed of by destruction or sale as the court
12 may direct and the proceeds, if sold, less the court costs and
13 fees, and storage and other proper expenses, shall be paid
14 into the Treasury of the United States, but the article or
15 poultry shall not be sold contrary to the provisions of this
16 Act, or the laws of the jurisdiction in which it is sold:
17 Provided, That upon the execution and delivery of a good
18 and sufficient bond conditioned that the article or poultry
19 shall not be sold or otherwise disposed of contrary to the
20 provisions of this Act, or the laws of the jurisdiction in which
21 disposal is made, the court may direct that such article or
22 poultry be delivered to the owner thereof subject to such
23 supervision by authorized representatives of the Secretary as
24 is necessary to insure compliance with the applicable laws.
25 When a decree of condemnation is entered against the article

1 or poultry and it is released under bond, or destroyed, court
2 costs and fees, and storage and other proper expenses shall
3 be awarded against the person, if any, intervening as claimant
4 of the article or poultry. The proceedings in such libel cases
5 shall conform, as nearly as may be, to the proceedings in
6 admiralty, except that either party may demand trial by
7 jury of any issue of fact joined in any case, and all such
8 proceedings shall be at the suit of and in the name of the
9 United States.

10 “(b) The provisions of this section shall in no way
11 derogate from authority for condemnation or seizure con-
12 ferred by other provisions of this Act, or other laws.

13 “SEC. 21. The United States district courts, the District
14 Court of Guam, the District Court of the Virgin Islands, the
15 highest court of American Samoa, and the United States
16 courts of the other territories, are vested with jurisdiction
17 specifically to enforce, and to prevent and restrain violations
18 of, this Act, and shall have jurisdiction in all other kinds of
19 cases arising under this Act, except as provided in section
20 8(d) or 18 of this Act. All proceedings for the enforcement
21 or to restrain violations of this Act shall be by and in the
22 name of the United States. Subpenas for witnesses who are
23 required to attend a court of the United States, in any district,
24 may run into any other district in any such proceeding.

25 “SEC. 22. For the efficient administration and enforce-

1 ment of this Act, the provisions (including penalties) of
2 sections 6, 8, 9, and 10 of the Federal Trade Commission
3 Act, as amended (38 Stat. 721-723, as amended; 15 U.S.C.
4 46, 48, 49, and 50) (except paragraphs (c) through (h)
5 of section 6 and the last paragraph of section 9), and the
6 provisions of subsection 409(1) of the Communications Act
7 of 1934 (48 Stat. 1096, as amended; 47 U.S.C. 409(1)),
8 are made applicable to the jurisdiction, powers, and duties
9 of the Secretary in administering and enforcing the provi-
10 sions of this Act and to any person with respect to whom
11 such authority is exercised. The Secretary, in person or by
12 such agents as he may designate, may prosecute any inquiry
13 necessary to his duties under this Act in any part of the
14 United States, and the powers conferred by said sections 9
15 and 10 of the Federal Trade Commission Act as amended
16 on the district courts of the United States may be exercised
17 for the purposes of this Act by any court designated in section
18 21 of this Act.

19 “SEC. 23. Requirements within the scope of this Act
20 with respect to premises, facilities and operations of any
21 official establishment, which are in addition to, or different
22 than those made under this Act may not be imposed by any
23 State or Territory or the District of Columbia, except that
24 any such jurisdiction may impose recordkeeping and other
25 requirements within the scope of paragraph (b) of section

1 11. of this Act, if consistent therewith, with respect to any
2 such establishment. Marking, labeling, packaging, or ingredi-
3 ent requirements (or storage or handling requirements found
4 by the Secretary to interfere with the free flow of poultry
5 products in commerce) in addition to, or different than, those
6 made under this Act may not be imposed by any State or
7 Territory or the District of Columbia with respect to articles
8 prepared at any official establishment in accordance with
9 the requirements under this Act, but any State or Territory
10 or the District of Columbia may, consistent with the require-
11 ments under this Act, exercise concurrent jurisdiction with the
12 Secretary over articles required to be inspected under this
13 Act, for the purpose of preventing the distribution for human
14 food purposes of any such articles which are adulterated or
15 misbranded and are outside of such an establishment, or, in
16 the case of imported articles which are not at such an estab-
17 lishment, after their entry into the United States. This Act
18 shall not preclude any State or Territory or the District of
19 Columbia from making requirement or taking other action,
20 consistent with this Act, with respect to any other matters
21 regulated under this Act.

22 "SEC. 24. (a) Poultry and poultry products shall be
23 exempt from the provisions of the Federal Food, Drug, and
24 Cosmetic Act to the extent of the application or extension

1 thereto of the provisions of this Act, except that the pro-
2 visions of this Act shall not derogate from any authority
3 conferred by the Federal Food, Drug, and Cosmetic Act
4 prior to enactment of the Wholesome Poultry Products Act.

5 “(b) The detainer authority conferred by section 19 of
6 this Act shall apply to any authorized representative of the
7 Secretary of Health, Education, and Welfare for purposes
8 of the enforcement of the Federal Food, Drug, and Cosmetic
9 Act with respect to any poultry carcass, or part or product
10 thereof, that is outside any official establishment, and for
11 such purposes the first reference to the Secretary in section
12 19 shall be deemed to refer to the Secretary of Health,
13 Education, and Welfare.

14 “SEC. 27. The Secretary shall annually report to the
15 Committee on Agriculture of the House of Representatives
16 and the Committee on Agriculture and Forestry of the Senate
17 with respect to the slaughter of poultry subject to this Act,
18 and the preparation, storage, handling, and distribution of
19 poultry parts, poultry products, and inspection of establish-
20 ments operated in connection therewith, including the oper-
21 ations under and the effectiveness of this Act.”

22 SEC. 19. The heading “**Designation**” preceding sec-
23 tion 5 of said Act is hereby amended to read “**Federal and**
24 **State cooperation**”; the heading “**Labeling**” preceding sec-
25 tion 8 of said Act is hereby amended to read “**Labeling and**

1 containers; standards"; the heading "Records of interstate
 2 shipment" preceding section 11 of said Act is hereby
 3 amended to read "Articles not intended for human
 4 food; record and related requirements for processors of
 5 poultry products and related industries engaged in com-
 6 merce; registration requirements for related industries en-
 7 gaged in commerce; regulation of transactions in com-
 8 merce in dead, dying, disabled, or diseased poultry and
 9 carcasses thereof; authority to regulate comparable intra-
 10 state activities"; and the heading "Violations by exempted
 11 persons" preceding section 16 of said Act is hereby amended
 12 to read "Entry of materials into official establishments."

13 SEC. 20. The Federal Meat Inspection Act (34 Stat.
 14 1260, as amended by the Wholesome Meat Act, 81 Stat.
 15 584) is amended—

16 (1) by striking out paragraph (t) of section 1 of
 17 such Act and inserting in lieu thereof the following:

18 "(t) The term 'official inspection legend' means any
 19 symbol prescribed by regulations of the Secretary showing
 20 that an article was inspected and passed in accordance with
 21 this Act, including any combined State-Federal official in-
 22 spection legend prescribed by the Secretary under subpara-
 23 graph (5) of section 301(c) of this Act."; and

24 (2) by adding at the end of section 301(c) of
 25 such Act a new subparagraph as follows:

1 “(5) Notwithstanding any other provisions of this Act,
2 carcasses, parts thereof, meat and meat food products pre-
3 pared under State inspection at any establishment in any
4 State, not designated under this paragraph (c), in accord-
5 ance with requirements which the Secretary has determined
6 are at least equal to those under titles I and IV of this
7 Act, shall be eligible for distribution in commerce (including
8 entry into any establishment at which inspection is main-
9 tained under title I) upon the same basis as carcasses, parts
10 thereof, meat and meat food products inspected under title
11 I, when they are marked under such supervision and other
12 conditions as the Secretary may by regulation prescribe, with
13 a combined State-Federal official inspection legend.”

14 SEC. 21. If any provisions of this Act or of the amend-
15 ments made hereby or the application thereof to any person
16 or circumstances is held invalid, the validity of the remainder
17 of the Act and the remaining amendments and of the appli-
18 cation of such provision to other persons and circumstances
19 shall not be affected thereby.

20 SEC. 22. This Act shall become effective upon enactment
21 except as provided in paragraphs (a) through (c):

22 (a) The provisions of subparagraphs (a)(2)(A) and
23 (a)(3) of section 9 of the Poultry Products Inspection Act
24 and the provisions of section 17 of said Act, as amended by

1 sections 9 and 16 of this Act, shall become effective upon the
2 expiration of sixty days after enactment hereof.

3 (b) Section 14 of this Act, amending section 15 of the
4 Poultry Products Inspection Act, shall become effective upon
5 the expiration of sixty days after enactment hereof.

6 (c) Paragraph 11(d) of the Poultry Products Inspec-
7 tion Act, as added by section 11 of this Act, shall become
8 effective upon the expiration of sixty days after enactment
9 hereof.

A BILL

To clarify and otherwise amend the Poultry Products Inspection Act, to provide for co-operation with appropriate State agencies with respect to State poultry products inspection programs, and for other purposes.

By Mr. ELLENDER, Mr. ANDERSON, Mr. BYRD of West Virginia, Mr. CLARK, Mr. FONG, Mr. HART, Mr. HARTKE, Mr. INOUYE, Mr. LONG of Missouri, Mr. McGEE, Mr. MONROE, Mr. MONTOMY, Mr. RANDOLPH, Mr. YARBOROUGH, and Mr. YOUNG of Ohio

FEBRUARY 6, 1968

Read twice and referred to the Committee on
Agriculture and Forestry

JULY 23, 1968

Reported with an amendment

July 26, 1968

relations with the U. S., for the period beginning with the import quota year following severance of the relations and continuing through 2 import quota years after relations are resumed (p. H7627). This bill will now be sent to the President.

5. DAIRY. Conferees were appointed on S. 3638, to extend for 3 years the authority of the Secretary of Agriculture to make indemnity payments to dairy farmers for milk required to be withheld from commercial markets because it contains residues of chemicals registered and approved for use by the Federal Government (p. H7627). Senate conferees have been appointed. The "Daily Digest" states that conferees have agreed to file a report (p. D748).
6. HOUSING. Agreed, 227-135, to the conference report on S. 3497, the housing bill (pp. H7657-67, H7685). For provisions see Digest 130. This bill will now be sent to the President.
7. ROADS. Agreed to the conference report on S. 3418, the road authorization bill (pp. H7768-77). Rejected, 166-167, a motion by Rep. Stratton to recommit the conference report (pp. H7676-77).
8. BUILDINGS. Agreed to the conference report on S. 222, to insure that public buildings financed with Federal funds are so designed and constructed as to be accessible to the physically handicapped. The conferees agreed that "the basic import of this legislation shall be confined to publicly owned buildings including public housing, or buildings accessible to the public." pp. H7680-81
9. RECREATION. A subcommittee of the Interior and Insular Affairs Committee approved for full committee action H. R. 15245 and S. 444, to establish the Flaming Gorge National Recreation Area in Utah and Wyo. p. D748
10. GRAIN INSPECTION; FLOOD CONTROL. Conferees agreed to file reports on H. R. 15794, to provide for U. S. standards and a national inspection system for grain, and S. 3710, omnibus rivers and harbors flood control bill. p. D748
11. FOREIGN AID. Rep. Michel criticized the "follies" of our foreign aid program and asked, "How many ungrateful foreign countries are our taxpayers going to be asked to support while our cities crumble?" pp. H7629-30
12. FEDERAL AID; REORGANIZATION. Rep. Roth spoke in support of two bills, to issue and maintain an up-to-date catalog on Federal assistance programs, and the proposed Executive Reorganization and Management Improvement Act. pp. H7685-6
13. FARM PROGRAM. Rep. Olsen stated "the basic principles in the 1965 farm act are tried and tested...and have worked well." He urged a 4-year extension of the program. p. H7692

14. LEGISLATIVE PROGRAM. Rep. Albert announced the following program for the week of July 29, Military construction appropriations, food stamp bill, FHA loans bill, and bill to prevent importation of endangered wildlife. p. H7687

15. ADJOURNED until Mon., July 29. p. H7706

SENATE -- July 26

16. OCEANOGRAPHY. The Commerce Committee reported without amendment S. Con. Res. 72, to express the sense of the Congress with respect to an International Decade of Ocean Exploration during the 1970's (S. Rept. 1476). p. S9442

17. EMPLOYMENT. The Armed Forces Committee reported with amendment H. R. 1093, to amend and clarify the reemployment provisions of the Universal Military Training and Service Act (S. Rept. 1477). p. S9442

18. FOREIGN AID. The Foreign Relations Committee reported with amendment H. R. 15263, the foreign aid authorization bill (S. Rept. 1479). p. S9442

19. POSTAL SERVICE. Passed, 47-8, as reported H. R. 15387, to amend title 39, United States Code, to provide for disciplinary action against employees in the postal field service who assault other employees in such service in the performance of official duties (pp. S9506-11, S9519-20, S9522-45). Agreed, 46-17, to a committee amendment exempting certain postal employees from personnel limitations of the Revenue and Expenditure Act (p. S9537). Rejected, 22-34, the Miller amendment providing that personnel limitations in the Revenue and Expenditure Control Act shall be retained except for those exempted by committee amendment adopted above (pp. S9541-3).

20. POULTRY. Began consideration of S. 2932, the poultry inspection bill. pp. S9545-51

21. CONSERVATION. Sen. Yarborough inserted an editorial supporting his bill to create a Big Thicket National Park in Tex. p. S9449

22. LEGISLATIVE PROGRAM. Sen. Mansfield announced the following program: following disposition of the postal personnel limitations bill, the Senate will take up the State, Justice, and Commerce appropriation bill on Mon., following that, the foreign aid authorization bill. During the week it will dispose of the HEW and Labor appropriations bill and D. C. appropriation bill. pp. S9483-4

SENATE -- July 27

23. POULTRY INSPECTION. Continued debate on S. 2932, the poultry inspection bill. pp. S9590-609, S9622-6

24. HEALTH. Passed with amendments H. R. 15758, the proposed Health Service Amendments of 1968, including continuation of grants for health services to migratory workers through the fiscal year 1971 and increasing gradually the authorization

worked out in the manner with which they had agreed.

The President has said he did not want a \$6 billion spending cut or any spending cut at all. Let us face it. This administration is more interested in spending. There has been much said in the last 5 years by the present occupant of the White House, Mr. Johnson, and his interest in the economy. To paraphrase a great English statesman, never has any one man said so much and done so little. We have never had in the White House a man who even began to match the spendthrift policies of the Johnson administration.

Next week the Treasury Department will report a \$25 billion deficit, and they still are not concerned. They have their eyes on the 1968 election rather than on what is good for the American people.

Mr. MANSFIELD. Mr. President, I rise to thank the distinguished senior Senator from Oklahoma [Mr. MONROE] for his outstanding advocacy on this measure. His clear and thoughtful presentation assured its success. The achievement was in keeping with his already established record as a highly effective legislator. The Senate is again in his debt.

I wish to extend particular thanks to the distinguished senior Senator from Delaware [Mr. WILLIAMS]. Again he has cooperated to assure orderly action though his views differed considerably. He urged his position with sincerity, with dignity, and with strong advocacy. His generous cooperation was essential to final action this evening and we are grateful.

The Senator from Iowa [Mr. MILLER], the Senator from Ohio [Mr. LAUSCHE], and the other Senators who joined the discussion are also to be thanked for their contributions.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting nominations was communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting several nominations, which were referred to the Committee on Foreign Relations.

(For nominations this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House had agreed to the amendment of the Senate to the amendment of the House to the bill (S. 450) to provide for the popular election of the Governor of the Virgin Islands, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill

(S. 3497) to assist in the provision of housing for low- and moderate-income families, and to extend and amend laws relating to housing and urban development.

ENROLLED JOINT RESOLUTION SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled joint resolution (H.J. Res. 1420) making continuing appropriations for the fiscal year 1969, and for other purposes.

WHOLESOME POULTRY PRODUCTS ACT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1430, S. 2932. I do this so that the bill may be the pending business.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 2932) to clarify and otherwise amend the Poultry Products Inspection Act, to provide for cooperation with appropriate State agencies with respect to State poultry products inspection programs, and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from West Virginia?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Agriculture and Forestry, with an amendment, to strike out all after the enacting clause and insert:

That this Act may be cited as the "Wholesome Poultry Products Act".

SEC. 2. Section 2 of the Poultry Products Inspection Act (71 Stat. 441, as amended; 21 U.S.C. 451) is hereby amended to read:

"SEC. 2. Poultry and poultry products are an important source of the Nation's total supply of food. They are consumed throughout the Nation and the major portion thereof moves in interstate or foreign commerce. It is essential in the public interest that the health and welfare of consumers be protected by assuring that poultry products distributed to them are wholesome, not adulterated, and properly marked, labeled, and packaged. Unwholesome, adulterated, or misbranded poultry products impair the effective regulation of poultry products in interstate or foreign commerce, are injurious to the public welfare, destroy markets for wholesome, not adulterated, and properly labeled and packaged poultry products, and result in sundry losses to poultry producers and processors of poultry and poultry products, as well as injury to consumers. It is hereby found that all articles and poultry which are regulated under this Act are either in interstate or foreign commerce or substantially affect such commerce, and that regulation by the Secretary of Agriculture and cooperation by the States and other jurisdictions as contemplated by this Act are appropriate to prevent and eliminate burdens upon such commerce, to effectively regulate such commerce, and to protect the health and welfare of consumers."

SEC. 3. Section 3 of said Act (21 U.S.C. 452) is hereby amended to read:

"SEC. 3. It is hereby declared to be the policy of the Congress to provide for the inspection of poultry and poultry products and otherwise regulate the processing and distribution of such articles as hereinafter prescribed to prevent the movement or sale in interstate or foreign commerce of, or the

burdening of such commerce by, poultry products which are adulterated or misbranded. It is the intent of Congress that all poultry which is injurious for human consumption shall be condemned. The reason for condemnation must be supported by substantial scientific fact."

SEC. 4. Section 4 of said Act (21 U.S.C. 453) is hereby amended to read:

"SEC. 4. For purposes of this Act—

"(a) The term 'commerce' means commerce between any State, any territory, or the District of Columbia, and any place outside thereof; or within any territory not organized with a legislative body, or the District of Columbia.

"(b) Except as otherwise provided in this Act, the term 'State' means any State of the United States and the Commonwealth of Puerto Rico.

"(c) The term 'territory' means Guam, the Virgin Islands of the United States, American Samoa, and any other territory or possession of the United States, excluding the Canal Zone.

"(d) The term 'United States' means the States, the District of Columbia, and the territories of the United States.

"(e) The term 'poultry' means any domesticated bird, whether live or dead.

"(f) The term 'poultry product' means any poultry carcass, or part thereof; or any product which is made wholly or in part from any poultry carcass or part thereof, excepting products which contain poultry ingredients only in a relatively small proportion or historically have not been considered by consumers as products of the poultry food industry, and which are exempted by the Secretary from definition as a poultry product under such conditions as the Secretary may prescribe to assure that the poultry ingredients in such products are not adulterated and that such products are not represented as poultry products.

"(g) The term 'adulterated' shall apply to any poultry product under one or more of the following circumstances:

"(1) if it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance, such article shall not be considered adulterated under this clause if the quantity of such substance in or on such article does not ordinarily render it injurious to health;

"(2) (A) if it bears or contains (by reason of administration of any substance to the live poultry or otherwise) any added poisonous or added deleterious substance (other than one which is (i) a pesticide chemical in or on a raw agricultural commodity; (ii) a food additive; or (iii) a color additive) which may, in the judgment of the Secretary, make such article unfit for human food;

"(B) if it is, in whole or in part, a raw agricultural commodity and such commodity bears or contains a pesticide chemical which is unsafe within the meaning of section 408 of the Federal Food, Drug, and Cosmetic Act;

"(C) if it bears or contains any food additive which is unsafe within the meaning of section 409 of the Federal Food, Drug, and Cosmetic Act;

"(D) if it bears or contains any color additive which is unsafe within the meaning of section 706 of the Federal Food, Drug, and Cosmetic Act: *Provided*, That an article which is not otherwise deemed adulterated under clause (B), (C), or (D) shall nevertheless be deemed adulterated if use of the pesticide chemical, food additive, or color additive in or on such article is prohibited by regulations of the Secretary in official establishments;

"(3) if it consists in whole or in part of any filthy, putrid, or decomposed substance or is for any other reason unsound, unhealthful, unwholesome, or otherwise unfit for human food;

"(4) if it has been prepared, packed, or

held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health;

"(5) if it is, in whole or in part, the product of any poultry which has died otherwise than by slaughter;

"(6) if its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health;

"(7) if it has been intentionally subjected to radiation, unless the use of the radiation was in conformity with a regulation or exemption in effect pursuant to section 409 of the Federal Food, Drug, and Cosmetic Act; or

"(8) if any valuable constituent has been in whole or in part omitted or obstructed therefrom; or if any substance has been substituted, wholly or in part therefor; or if damage or inferiority has been concealed in any manner; or if any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is.

"(h) The term 'misbranded' shall apply to any poultry product under one or more of the following circumstances:

"(1) if its labeling is false or misleading in any particular;

"(2) if it is offered for sale under the name of another food;

"(3) if it is an imitation of another food, unless its label bears, in type of uniform size and prominence, the word 'imitation' and immediately thereafter, the name of the food imitated;

"(4) if its container is so made, formed, or filled as to be misleading;

"(5) unless it bears a label showing (A) the name and the place of business of the manufacturer, packer, or distributor; and (B) an accurate statement of the quantity of the product in terms of weight, measure, or numerical count: *Provided*, That under clause (B) of this subparagraph (5), reasonable variations may be permitted, and exemptions as to small packages or articles not in packages or other containers may be established by regulations prescribed by the Secretary;

"(6) if any word, statement, or other information required by or under authority of this Act to appear on the label or other labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;

"(7) if it purports to be or is represented as a food for which a definition and standard of identity or composition has been prescribed by regulations of the Secretary under section 8 of this Act unless (A) it conforms to such definition and standard, and (B) its label bears the name of the food specified in the definition and standard and, insofar as may be required by such regulations, the common names of optional ingredients (other than spices, flavoring, and coloring) present in such food;

"(8) if it purports to be or is represented as a food for which a standard or standards of fill of container have been prescribed by regulations of the Secretary under section 8 of this Act, and it falls below the standard of fill of container applicable thereto, unless its label bears, in such manner and form as such regulations specify, a statement that it falls below such standard;

"(9) if it is not subject to the provisions of subparagraph (7), unless its label bears (A) the common or usual name of the food, if any there be, and (B) in case it is fabricated from two or more ingredients, the common or usual name of each such ingredient; except that spices, flavoring, and colorings may, when authorized by the Secretary, be

designated as spices, flavorings, and colorings without naming each: *Provided*, That to the extent that compliance with the requirements of clause (B) of this subparagraph (9) is impracticable or results in deception or unfair competition, exemptions shall be established by regulations promulgated by the Secretary;

"(10) if it purports to be or is represented for special dietary uses unless its label bears such information concerning its vitamin, mineral, and other dietary properties as the Secretary, after consultation with the Secretary of Health, Education, and Welfare, determines to be, and by regulations prescribes as, necessary in order fully to inform purchasers as to its value for such uses;

"(11) if it bears or contains any artificial flavoring, artificial coloring, or chemical preservative, unless it bears labeling stating that fact: *Provided*, That, to the extent that compliance with the requirements of this subparagraph (11) is impracticable, exemptions shall be established by regulations promulgated by the Secretary; or

"(12) if it fails to bear on its containers as the Secretary may by regulations prescribe, the official inspection legend and official establishment number of the establishment where the article was processed, and, unrestricted by any of the foregoing, such other information as the Secretary may require in such regulations to assure that it will not have false or misleading labeling and that the public will be informed of the manner of handling required to maintain the article in a wholesome condition.

"(i) The term 'Secretary' means the Secretary of Agriculture or his delegate.

"(j) The term 'person' means any individual, partnership, corporation, association, or other business unit.

"(k) The term 'inspector' means: (1) an employee or official of the United States Government authorized by the Secretary to inspect poultry and poultry products under the authority of this Act, or (2) any employee or official of the government of any State or territory or the District of Columbia authorized by the Secretary to inspect poultry and poultry products under authority of this Act, under an agreement entered into between the Secretary and the appropriate State or other agency.

"(l) The term 'official mark' means the official inspection legend or any other symbol prescribed by regulation of the Secretary to identify the status of any article or poultry under this Act.

"(m) The term 'official inspection legend' means any symbol prescribed by regulations of the Secretary showing that an article was inspected for wholesomeness in accordance with this Act. The Secretary shall not require any change in the official inspection legend in use under this Act on the date of enactment of the Wholesome Poultry Products Act.

"(n) The term 'official certificate' means any certificate prescribed by regulations of the Secretary for issuance by an inspector or other person performing official functions under this Act.

"(o) The term 'official device' means any device prescribed or authorized by the Secretary for use in applying any official mark.

"(p) The term 'official establishment' means any establishment as determined by the Secretary at which inspection of the slaughter of poultry, or the processing of poultry products, is maintained under the authority of this Act.

"(q) The term 'inspection service' means the official Government service within the Department of Agriculture designated by the Secretary as having the responsibility for carrying out the provisions of this Act.

"(r) The term 'container' or 'package' includes any box, can, tin, cloth, plastic, or other receptacle, wrapper, or cover.

"(s) The term 'label' means a display of written, printed, or graphic matter upon any article or the immediate container (not including packaged liners) of any article; and the term 'labeling' means all labels and other written, printed, or graphic matter (1) upon any article or any of its containers or wrappers, or (2) accompanying such article.

"(t) The term 'shipping container' means any container used or intended for use in packaging the product packed in an immediate container.

"(u) The term 'immediate container' includes any consumer package; or any other container in which poultry products, not consumer packaged, are packed.

"(v) The term 'capable of use as human food' shall apply to any carcass, or part or product of a carcass, of any poultry, unless it is denatured or otherwise identified as required by regulations prescribed by the Secretary to deter its use as human food, or it is naturally inedible by humans.

"(w) The term 'processed' means slaughtered, canned, salted, stuffed, rendered, boned, cut up, or otherwise manufactured or processed.

"(x) The term 'Federal Food, Drug, and Cosmetic Act' means the Act so entitled, approved June 25, 1938 (52 Stat. 1040), and Acts amendatory thereof or supplementary thereto.

"(y) The terms 'pesticide chemical', 'food additive', 'color additive', and 'raw agricultural commodity' shall have the same meanings for purposes of this Act as under the Federal Food, Drug, and Cosmetic Act.

"(z) The term 'poultry products broker' means any person engaged in the business of buying or selling poultry products on commission, or otherwise negotiating purchases or sales of such articles other than for his own account or as an employee of another person.

"(aa) The term 'renderer' means any person engaged in the business of rendering carcasses, or parts or products of the carcasses, of poultry, except rendering conducted under inspection or exemption under this Act.

"(bb) The term 'animal food manufacturer' means any person engaged in the business of manufacturing or processing animal food derived wholly or in part from carcasses, or parts or products of the carcasses, of poultry."

SEC. 5. Section 5 of said Act (21 U.S.C. 454) is hereby amended to read:

"SEC. 5. (a) It is the policy of the Congress to protect the consuming public from poultry products that are adulterated or misbranded and to assist in efforts by State and other government agencies to accomplish this objective. In furtherance of this policy—

"(1) The Secretary is authorized, whenever he determines that it would effectuate the purposes of this Act, to cooperate with the appropriate State agency in developing and administering a State poultry product inspection program in any State which has enacted a mandatory State poultry product inspection law that imposes ante mortem and post mortem inspection, reinspection and sanitation requirements that are at least equal to those under this Act, with respect to all or certain classes of persons engaged in the State in slaughtering poultry or processing poultry products for use as human food solely for distribution within such State.

"(2) The Secretary is further authorized, whenever he determines that it would effectuate the purposes of this Act, to cooperate with appropriate State agencies in developing and administering State programs under State laws containing authorities at least equal to those provided in section 11 of this Act; and to cooperate with other agencies of the United States in carrying out any provisions of this Act. In carrying out the provisions of this Act, the Secretary may

conduct such examinations, investigations, and inspections as he determines practicable through any officer or employee of any State or Territory or the District of Columbia commissioned by the Secretary for such purpose.

"(3) Cooperation with State agencies under this section may include furnishing to the appropriate State agency (i) advisory assistance in planning and otherwise developing an adequate State program under the State law; and (ii) technical and laboratory assistance and training (including necessary curricular and instructional materials and equipment), and financial and other aid for administration of such a program. The amount to be contributed to any State by the Secretary under this section from Federal funds for any year shall not exceed 50 per centum of the estimated total cost of the cooperative program; and the Federal funds shall be allocated among the States desiring to cooperate on an equitable basis. Such cooperation and payment shall be contingent at all times upon the administration of the State program in a manner which the Secretary, in consultation with the appropriate advisory committee appointed under subparagraph (4), deems adequate to effectuate the purposes of this section.

"(4) The Secretary may appoint advisory committees consisting of such representatives of appropriate State agencies as the Secretary and the State agencies may designate to consult with him concerning State and Federal programs with respect to poultry product inspection and other matters within the scope of this Act, including evaluating State programs for purposes of this Act and obtaining better coordination and more uniformity among the State programs and between the Federal and State programs and adequate protection of consumers.

"(b) The appropriate State agency with which the Secretary may cooperate under this Act shall be a single agency in the State which is primarily responsible for the coordination of the State programs having objectives similar to those under this Act. When the State program includes performance of certain functions by a municipality or other subordinate governmental unit, such unit shall be deemed to be a part of the State agency for purposes of this section.

"(c) (1) If the Secretary has reason to believe, by thirty days prior to the expiration of two years after enactment of the Wholesome Poultry Products Act, that a State has failed to develop or is not enforcing, with respect to all establishments within its jurisdiction (except those that would be exempted from Federal inspection under subparagraph (2) of this paragraph (c)) at which poultry are slaughtered, or poultry products are processed for use as human food, solely for distribution within such State, and the products of such establishments, requirements at least equal to those imposed under sections 1-4, 6-10, and 12-22 of this Act, he shall promptly notify the Governor of the State of this fact. If the Secretary determines, after consultation with the Governor of the State, or representative selected by him, that such requirements have not been developed and activated, he shall promptly after the expiration of such two-year period designate such State as one in which the provisions of said sections of this Act shall apply to operations and transactions wholly within such State: *Provided*, That if the Secretary has reason to believe that the State will activate such requirements within one additional year, he may delay such designation for said period, and not designate the State, if he determines at the end of the year that the State then has such requirements in effective operation. The Secretary shall publish any such designation in the Federal Register and, upon the expiration of thirty days after such publication, the provisions of said sections of this Act shall apply to operations and

transactions and to persons engaged therein in the State to the same extent and in the same manner as if such operations and transactions were conducted in or for commerce. However, notwithstanding any other provision of this section, if the Secretary determines that any establishment within a State is producing adulterated poultry products for distribution within such State which would clearly endanger the public health he shall notify the Governor of the State and the appropriate advisory committee provided for by subparagraph (a) (4) of this section of such fact for effective action under State or local law. If the State does not take action to prevent such endangering of the public health within a reasonable time after such notice, as determined by the Secretary, in light of the risk to public health, the Secretary may forthwith designate any such establishment as subject to the provisions of said sections of this Act, and thereupon the establishment and operator thereof shall be subject to such provisions as though engaged in commerce until such time as the Secretary determines that such State has developed and will enforce requirements at least equal to those imposed under said sections.

"(2) The provisions of this Act requiring inspection of the slaughter of poultry and the processing of poultry products shall not apply to operations of types traditionally and usually conducted at retail stores and restaurants, when conducted at any retail store or restaurant or similar retail-type establishment for sale in normal retail quantities or service of such articles to consumers at such establishments if such establishments are subject to such inspection provisions only under this paragraph (c).

"(3) Whenever the Secretary determines that any State designated under this paragraph (c) has developed and will enforce State poultry products inspection requirements at least equal to those imposed under the aforesaid sections of this Act, with respect to the operations and transactions within such State which are regulated under subparagraph (1) of this paragraph (c), he shall terminate the designation of such State under this paragraph (c), but this shall not preclude the subsequent redesignation of the State at any time upon thirty days' notice to the Governor and publication in the Federal Register in accordance with this paragraph, and any State may be designated upon such notice and publication, at any time after the period specified in this paragraph whether or not the State has therefore been designated, upon the Secretary determining that it is not effectively enforcing requirements at least equal to those imposed under said sections.

"(4) The Secretary shall promptly upon enactment of the Wholesome Poultry Products Act, and periodically thereafter, but at least annually, review the requirements, including the enforcement thereof, of the several States not designated under this paragraph (c), with respect to the slaughter, and the processing, storage, handling, and distribution of poultry products, and inspection of such operations, and annually report thereon to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture and Forestry of the Senate in the report required in section 27 of this Act.

"(5) Poultry products under State inspection at any establishment in any State, not designated under this paragraph (c), in accordance with requirements which the Secretary has determined are at least equal to those under sections 1-4, 6-10, and 12-22 of this Act, shall be eligible for distribution in commerce (including entry into any establishment at which inspection is maintained under this Act) upon the same basis as poultry products inspected under this Act, when they are marked under such supervi-

sion and other conditions as the Secretary may by regulation prescribe, with a combined State-Federal official inspection legend.

"(d) As used in this section, the term 'State' means any State (including the Commonwealth of Puerto Rico) or organized territory."

SEC. 6. Section 6 of said Act (21 U.S.C. 455) is hereby amended as follows:

(a) Paragraph (a) is amended to read:

"(a) For the purpose of preventing the entry into or flow or movement in commerce of, or the burdening of commerce by, any poultry product which is capable of use as human food and is adulterated, the Secretary shall, where and to the extent considered by him necessary, cause to be made by inspectors ante mortem inspection of poultry in each official establishment processing poultry or poultry products for commerce or otherwise subject to inspection under this Act."

(b) Paragraph (b) is amended by deleting the phrase "in, or for marketing in a designated city or area" and substituting the phrase "otherwise subject to inspection under this Act"; by inserting the word "and" before the word "reinspection"; and by inserting the phrase "capable of use as human food" after the phrase "poultry products" the first time the latter phrase appears in the paragraph.

(c) Paragraph (c) is amended by deleting the phrase "unwholesome or" and the phrase "not unwholesome and" each time they appear therein; and by inserting the word "other" before the phrase "poultry products".

SEC. 7. In section 7 of said Act (21 U.S.C. 456) paragraph (a) is hereby amended by deleting the phrase "in or for marketing in a designated major consuming area" and substituting the phrase "otherwise subject to inspection under this Act"; by deleting the phrase "in a designated major consuming area" and substituting the phrase "burdensome effect upon commerce"; and by deleting the phrase "unwholesome or".

SEC. 8. Section 8 of said Act (21 U.S.C. 457) is hereby amended to read:

"SEC. 8. (a) All poultry products inspected at any official establishment under the authority of this Act and found to be not adulterated, shall at the time they leave the establishment bear, in distinctly legible form, on their shipping containers and immediate containers as the Secretary may require, the information required under paragraph (h) of section 4 of this Act.

"(b) The Secretary, whenever he determines such action is necessary for the protection of the public, may prescribe: (1) the styles and sizes of type to be used with respect to material required to be incorporated in labeling to avoid false or misleading labeling in marking and labeling any articles or poultry subject to this Act; (2) definitions and standards of identity or composition or articles subject to this Act and standards of fill of container for such articles not inconsistent with any such standards established under the Federal Food, Drug, and Cosmetic Act, and there shall be consultation between the Secretary and the Secretary of Health, Education, and Welfare prior to the issuance of such standards under either Act relating to articles subject to this Act to avoid inconsistency in such standards and possible impairment of the coordinated effective administration of these Acts. There shall also be consultation between the Secretary and an appropriate advisory committee provided for in section 5 of this Act, prior to the issuance of such standards under this Act, to avoid, insofar as feasible, inconsistency between Federal and State standards.

"(c) No article subject to this Act shall be sold or offered for sale by any person in commerce, under any name or other marking or labeling which is false or misleading, or

in any container of a misleading form or size, but established trade names and other marking and labeling and containers which are not false or misleading and which are approved by the Secretary are permitted.

"(d) If the Secretary has reason to believe that any marking or labeling or the size or form of any container in use or proposed for use with respect to any article subject to this Act is false is misleading in any particular, he may direct that such use be withheld unless the marking, labeling, or container is modified in such manner as he may prescribe so that it will not be false or misleading. If the person using or proposing to use the marking, labeling, or container does not accept the determination of the Secretary, such person may request a hearing, but the use of the marking, labeling, or container shall, if the Secretary so directs, be withheld pending hearing and final determination by the Secretary. Any such determination by the Secretary shall be conclusive unless, within thirty days after receipt of notice of such final determination, the person adversely affected thereby appeals to the United States Court of Appeals for the circuit in which such person has its principal place of business or to the United States Court of Appeals for the District of Columbia Circuit. The provisions of section 204 of the Packers and Stockyards Act, 1921 (42 Stat. 162, as amended; 7 U.S.C. 194) shall be applicable to appeals taken under this section."

SEC. 9. Section 9 of said Act (21 U.S.C. 458) is amended to read:

"Sec. 9. (a) No person shall—

"(1) slaughter any poultry or process any poultry products which are capable of use as human food at any establishment processing any such articles for commerce, except in compliance with the requirements of this Act;

"(2) sell, transport, offer for sale or transportation, or receive for transportation, in commerce, (A) any poultry products which are capable of use as human food and are adulterated or misbranded at the time of such sale, transportation, offer for sale of transportation, or receipt for transportation; or (B) any poultry products required to be inspected under this Act unless they have been so inspected and passed;

"(3) do, with respect to any poultry products which are capable of use as human food, any act while they are being transported in commerce or held for sale after such transportation, which is intended to cause or has the effect of causing such products to be adulterated or misbranded;

"(4) sell, transport, offer for sale or transportation, or receive for transportation, in commerce or from an official establishment, any slaughtered poultry from which the blood, feathers, feet, head, and viscera have not been removed in accordance with regulations promulgated by the Secretary, except as may be authorized by regulations of the Secretary;

"(5) use to his own advantage, or reveal other than to the authorized representatives of the United States Government or any State or other government in their official capacity, or as ordered by a court in any judicial proceedings, any information acquired under the authority of this Act concerning any matter which is entitled to protection as a trade secret.

"(b) No brand manufacturer, printer, or other person shall cast, print, lithograph, or otherwise make any device containing any official mark or simulation thereof, or any label bearing any such mark or simulation, or any form of official certificate or simulation thereof, except as authorized by the Secretary.

"(c) No person shall—

"(1) forge any official device, mark, or certificate;

"(2) without authorization from the Secretary use any official device, mark, or certificate, or simulation thereof, or alter, detach, deface, or destroy any official device, mark, or certificate;

"(3) contrary to the regulations prescribed by the Secretary, fail to use, or to detach, deface, or destroy any official device, mark, or certificate;

"(4) knowingly possess, without promptly notifying the Secretary or his representative, any official device or any counterfeit, simulated, forged, or improperly altered official certificate or any device or label or any carcass of any poultry, or part or product thereof, bearing any counterfeit, simulated, forged, or improperly altered official mark;

"(5) knowingly make any false statement in any shipper's certificate or other nonofficial or official certificate provided for in the regulations prescribed by the Secretary; or

"(6) knowingly represent that any article has been inspected and passed, or exempted, under this Act when, in fact, it has, respectively, not been so inspected and passed, or exempted."

SEC. 10. Section 10 of said Act (21 U.S.C. 459) is hereby amended by deleting the phrase "in or for marketing in a designated major consuming area" and substituting the phrase "otherwise subject to this Act".

SEC. 11. Section 11 of said Act (21 U.S.C. 460) is hereby amended to read:

"(a) Inspection shall not be provided under this Act at any establishment for the slaughter of poultry or the processing of any carcasses or parts or products of poultry, which are not intended for use as human food, but such articles shall, prior to their offer for sale or transportation in commerce, unless naturally inedible by humans, be denatured or otherwise identified as prescribed by regulations of the Secretary to deter their use for human food. No person shall buy, sell, transport, or offer for sale or transportation, or receive for transportation, in commerce, or import, any poultry carcasses or parts or products thereof which are not intended for use as human food unless they are denatured or otherwise identified as required by the regulations of the Secretary or are naturally inedible by humans.

"(b) The following classes of persons shall, for such period of time as the Secretary may by regulations prescribe, not to exceed two years unless otherwise directed by the Secretary for good cause shown, keep such records as are properly necessary for the effective enforcement of this Act in order to insure against adulterated or misbranded poultry products for the American consumer; and all persons subject to such requirements shall, at all reasonable times, upon notice by a duly authorized representative of the Secretary, afford such representative access to their places of business and opportunity to examine the facilities, inventory, and records thereof, to copy all such records, and to take reasonable samples of their inventory upon payment of the fair market value therefor—

"(1) Any person that engages in the business of slaughtering any poultry or processing, freezing, packaging, or labeling any carcasses, or parts or products of carcasses, of any poultry, for commerce, for use as human food or animal food;

"(2) Any person that engages in the business of buying or selling (as poultry products brokers, wholesalers or otherwise), or transporting, in commerce, or storing in or for commerce, or importing, any carcasses, or parts or products of carcasses, of any poultry;

"(3) Any person that engages in business, in or for commerce, as a renderer, or engages in the business of buying, selling, or transporting, in commerce, or importing, any dead, dying, disabled, or diseased poultry or parts of the carcasses of any poultry that died otherwise than by slaughter.

"(c) No person shall engage in business, in

or for commerce, as a poultry products broker, renderer, or animal food manufacturer, or engage in business in commerce as a wholesaler of any carcasses, or parts or products of the carcasses, of any poultry, whether intended for human food or other purposes, or engage in business as a public warehouseman storing any such articles in or for commerce, or engage in the business of buying, selling, or transporting in commerce, or importing, any dead, dying, disabled, or diseased poultry, or parts of the carcasses of any poultry that died otherwise than by slaughter, unless, when required by regulations of the Secretary, he has registered with the Secretary his name, and the address of each place of business at which, and all trade names under which, he conducts such business.

"(d) No person engaged in the business of buying, selling, or transporting in commerce, or importing, dead, dying, disabled, or diseased poultry, or any parts of the carcasses of any poultry that died otherwise than by slaughter, shall buy, sell, transport, offer for sale or transportation, or receive for transportation, in commerce, or import, any dead, dying, disabled, or diseased poultry or parts of the carcasses of any poultry that died otherwise than by slaughter, unless such transaction, transportation or importation is made in accordance with such regulations as the Secretary may prescribe to assure that such poultry, or the unwholesome parts or products thereof, will be prevented from being used for human food.

"(e) The authority conferred on the Secretary by paragraph (b), (c), or (d) of this section with respect to persons engaged in the specified kinds of business in or for commerce may be exercised with respect to persons engaged, in any State or organized territory, in such kinds of business but not in or for commerce, whenever the Secretary determines, after consultation with an appropriate advisory committee provided for in section 5 of this Act, that the State or territory does not have at least equal authority under its laws or such authority is not exercised in a manner to effectuate the purposes of this Act, including the State or territory providing for the Secretary or his representative being afforded access to such places of business and the facilities, inventories, and records thereof, and the taking of reasonable samples, where he determines necessary in carrying out his responsibilities under this Act; and in such case the provisions of paragraph (b), (c), or (d) of this section, respectively, shall apply to such persons to the same extent and in the same manner as if they were engaged in such business in or for commerce and the transactions involved were in commerce."

SEC. 12. Section 12 of said Act (21 U.S.C. 461) is hereby amended as follows:

(a) Paragraph (a) is amended by changing the first sentence to read:

"Any person who violates the provisions of section 9, 10, 11, 14, or 17 of this Act shall be fined not more than \$1,000 or imprisoned not more than one year, or both; but if such violation involves intent to defraud, or any distribution or attempted distribution of an article that is adulterated (except as defined in section 4(g)(8) of this Act), such person shall be fined not more than \$10,000 or imprisoned not more than three years, or both."

(b) Paragraph (b) is amended by deleting the phrase "not otherwise eligible" and substituting the phrase "otherwise not eligible"; by deleting the word "slaughtered" each time it appears; and by adding the following before the period at the end of the paragraph: "or unless the carrier refuses to furnish on request of a representative of the Secretary the name and address of the person from whom he received such poultry or

poultry products, and copies of all documents, if any there be, pertaining to the delivery of the poultry or poultry products to such carrier".

(c) A new paragraph (c) is added to read: "(c) Any person who forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person while engaged in or on account of the performance of his official duties under this Act shall be fined not more than \$5,000 or imprisoned not more than three years, or both. Whoever, in the commission of any such acts, uses a deadly or dangerous weapon, shall be fined not more than \$10,000 or imprisoned not more than ten years, or both. Whoever kills any person while engaged in or on account of the performance of his official duties under this Act shall be punished as provided under sections 1111 and 1114 of title 18, United States Code."

SEC. 13. (a) Section 14 of said Act (21 U.S.C. 463) is hereby amended by designating the present provisions thereof as paragraph (b); by inserting the word "other" before the word "rules" in said paragraph; and by adding a new paragraph (a) to read:

"(a) The Secretary may by regulations prescribe conditions under which poultry products capable of use as human food, shall be stored or otherwise handled by any person engaged in the business of buying, selling, freezing, storing, or transporting, in or for commerce, or importing, such articles, whenever the Secretary deems such actions necessary to assure that such articles will not be adulterated or misbranded when delivered to the consumer. Violation of any such regulations is prohibited.

(b) Section 14 of said Act is further amended by inserting at the end thereof the following new subsection:

"(c) In applying the provisions of section 553(c) of title 5, United States Code, to proposed rule making under this Act, an opportunity for the oral presentation of views shall be accorded all interested persons."

SEC. 14. Section 15 of said Act (21 U.S.C. 464) is hereby amended as follows:

(a) In paragraph (a), subparagraph (1) is deleted and subparagraphs (2), (3), and (4) are designated, respectively, as subparagraphs (1), (2), and (3);

(b) In paragraph (a), in redesignated subparagraph (2) (formerly (3)), the date "July 1, 1960" is deleted and the date "January 1, 1970" is substituted therefor;

(c) Paragraph (b) is redesignated as paragraph (e) and new paragraphs (b), (c), and (d) are added to read:

"(b) The Secretary may, under such sanitary conditions as he may by regulations prescribe, exempt from the inspection requirements of this Act the slaughter of poultry, and the processing of poultry products, by any person in any Territory not organized with a legislative body, solely for distribution within such Territory, when the Secretary determines that it is impracticable to provide such inspection within the limits of funds appropriated for administration of this Act and that such exemption will aid in the effective administration of this Act.

"(c) (1) The provisions of this Act shall not apply to (1) poultry producers with respect to poultry of their own raising on their own farms: *Provided*, That such producers slaughter not more than 4,000 turkeys, or not more than an equivalent number of birds of all species during the calendar year for which this exemption is being determined (4.5 birds of other species being deemed the equivalent of one turkey): *Provided further*, That such poultry producers do not engage in buying or selling poultry products other than those produced from poultry raised on their own farms: *Provided further*, That none of such poultry moves in commerce (as defined in section 4(a) of this Act) other than directly to household consumers or restaurants, hotels, and boarding houses for use in their own dining rooms or in the

preparation of meals for sale direct to consumers only: *Provided further*, That such producers do not engage in selling dressed poultry or poultry products which are not sound, healthful, clean, and otherwise fit for human food; nor (11) to any person who slaughters, processes, or sells poultry the wholesale dressed value of which does not exceed \$15,000 during the current calendar year: *Provided*, That none of such poultry moves in commerce (as defined in section 4(a) of this Act): *Provided further*, That such persons do not engage in selling dressed poultry or poultry products which are not sound, healthful, clean, and otherwise fit for human food; nor (11) to the slaughtering by any person of poultry of his own raising, and the processing by him and transportation in commerce of the poultry products exclusively for use by him and members of his household and his nonpaying guests and employees; nor (iv) to the custom slaughter by any person of poultry delivered by the owner thereof for such slaughter, and the processing by such slaughterer and transportation in commerce of the poultry products exclusively for use, in the household of such owner, by him and members of his household and his nonpaying guests and employees: *Provided*, That such custom slaughterer does not engage in the business of buying or selling any poultry products capable of use as human food.

"(2) In addition to the specific exemptions provided herein the Secretary shall, when he determines that the protection of consumers from adulterated or misbranded poultry products will not be impaired by such action, provide by regulation for further exempting the operation and products of small enterprises (including poultry producers) engaged in slaughtering and/or cutting up poultry for distribution as carcasses or parts thereof, which are subject to the provisions of this Act only under section 5(c) from such provisions of this Act as he deems appropriate, while still protecting the public from adulterated or misbranded products, under such conditions, including sanitary requirements, as he shall prescribe to effectuate the purposes of this Act: *Provided*, That any such further exemption may be revoked by the Secretary with respect to any establishment if he determines that the operations of an establishment under the exemption have resulted or will result in the distribution of adulterated or misbranded poultry products or that the operator of the establishment has failed to comply with the conditions of exemption.

"(d) The adulteration and misbranding provisions of this Act, other than the requirement of the inspection legend, shall apply to articles which are exempted from inspection or not required to be inspected under this section, except as otherwise specified under paragraphs (a) and (c)."

SEC. 15. Section 16 of said Act (21 U.S.C. 465) is hereby amended to read:

"SEC. 16. The Secretary may limit the entry of poultry products and other materials into any official establishment, under such conditions as he may prescribe to assure that allowing the entry of such articles into such inspected establishments will be consistent with the purposes of this Act."

SEC. 16. Section 17 of said Act (21 U.S.C. 466) is hereby amended to read:

"SEC. 17. (a) No poultry products which are capable of use as human food shall be imported into the United States if such articles are adulterated or misbranded and unless they comply with all the inspection, building construction standards, and all other provisions of this Act and regulations issued thereunder applicable to such articles in commerce within the United States. All such imported articles shall, upon entry into the United States, be deemed and treated as domestic articles subject to the other provisions of this Act and the Federal Food, Drug, and Cosmetic Act: *Provided*, That they shall

be marked and labeled as required by such regulations for imported articles: *Provided further*, That nothing in this section shall apply to any individual who purchases poultry products outside the United States for his own consumption except that the total amount of such poultry products shall not exceed fifty pounds.

"(b) The Secretary may prescribe the terms and conditions for the destruction of all such articles which are imported contrary to this section, unless (1) they are exported by the consignee within the time fixed therefor by the Secretary, or (2) in the case of articles which are not in compliance with the Act solely because of misbranding, such articles are brought into compliance with the Act under supervision of authorized representatives of the Secretary.

"(c) All charges for storage, cartage, and labor with respect to any article which is imported contrary to this section shall be paid by the owner or consignee, and in default of such payment shall constitute a lien against such article and any other article thereafter imported under this Act by or for such owner or consignee.

"(d) The knowing importation of any article contrary to this section is prohibited.

"(e) Not later than March 1 of each year the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture and Forestry of the Senate a comprehensive and detailed written report with respect to the administration of this section during the immediately preceding calendar year. Such report shall include, but shall not be limited to—

"(1) a certification by the Secretary that foreign plants exporting poultry products referred to in subsection (a) of this section have complied with requirements at least equal to all the inspection, building construction standards, and all other provisions of this Act and regulations issued thereunder;

"(2) the names and locations of plants authorized or permitted to have imported into the United States therefrom poultry products referred to in subsection (a) of this section;

"(3) the number of inspectors employed by the Department of Agriculture in the calendar year concerned who were assigned to inspect plants referred to in paragraph (e) (2) hereof and the frequency with which each such plant was inspected by such inspectors;

"(4) the number of inspectors licensed by each country from which any imports subject to the provisions of this section were imported who were assigned, during the calendar year concerned, to inspect such imports and the facilities in which such imports were handled and the frequency and effectiveness of such inspections; and

"(5) the total volume of poultry products referred to in subsection (a) of this section which was imported into the United States during the calendar year concerned from each country, including a separate itemization of the volume of each major category of such imports from each country during such year, and a detailed report of rejections of plants and products because of failure to meet appropriate standards prescribed by this Act."

SEC. 17. Section 18 of said Act (21 U.S.C. 467) is hereby amended to read:

"SEC. 18. (a) The Secretary may (for such period, or indefinitely, as he deems necessary to effectuate the purposes of this Act) refuse to provide, or withdraw, inspection service under this Act with respect to any establishment if he determines, after opportunity for a hearing is accorded to the applicant for, or recipient of, such service, that such applicant or recipient is unfit to engage in any business requiring inspection upon this Act because the applicant or recipient or anyone responsibly connected

with the applicant or recipient, has been convicted, in any Federal or State court, within the previous ten years of (1) any felony or more than one misdemeanor under any law based upon the acquiring, handling, or distributing of adulterated, mislabeled, or deceptively packaged food or fraud in connection with transactions in food; or (2) any felony, involving fraud, bribery, extortion, or any other act or circumstance indicating a lack of the integrity needed for the conduct of operations affecting the public health. For the purpose of this paragraph a person shall be deemed to be responsibly connected with the business if he was a partner, officer, director, holder, or owner of 10 per centum or more of its voting stock or employee in a managerial or executive capacity.

"(b) Upon the withdrawal of inspection service from any official establishment for failure to destroy condemned poultry products as required under section 6 of this Act, or other failure of an official establishment to comply with the requirements as to premises, facilities, or equipment, or the operation thereof, as provided in section 7 of this Act, or the refusal of inspection service to any applicant therefor because of failure to comply with any requirements under section 7, the applicant for, or recipient of, the service shall, upon request, be afforded opportunity for a hearing with respect to the merits or validity of such action; but such withdrawal or refusal shall continue in effect unless otherwise ordered by the Secretary.

"(c) The determination and order of the Secretary when made after opportunity for hearing, with respect to withdrawal or refusal of inspection service under this Act shall be final and conclusive unless the affected applicant for, or recipient of, inspection service files application for judicial review within thirty days after the effective date of such order in the United States Court of Appeals as provided in section 8 of this Act. Judicial review of any such order shall be upon the record upon which the determination and order are based. The provisions of section 204 of the Packers and Stockyards Act of 1921, as amended, shall be applicable to appeals taken under this section."

SEC. 18. Sections 19 through 22 of said Act (21 U.S.C. 468, 469, 451 note) are hereby redesignated as sections 25, 26, 28, and 29, respectively, and new sections 19, 20, 21, 22, 23, 24, and 27 are added to the Act to read, respectively:

"SEC. 19. Whenever any poultry product, or any product exempted from the definition of a poultry product, or any dead, dying, disabled, or diseased poultry is found by any authorized representative of the Secretary upon any premises where it is held for purposes of, or during or after distribution in, commerce or otherwise subject to this Act, and there is reason to believe that any such article is adulterated or misbranded and is capable of use as human food, or that it has not been inspected, in violation of the provisions of this Act or of any other Federal law or the laws of any State or Territory, or the District of Columbia, or that it has been or is intended to be, distributed in violation of any such provisions, it may be detained by such representative for a period not to exceed twenty days, pending action under section 20 of this Act or notification of any Federal, State or other governmental authorities having jurisdiction over such article or poultry, and shall not be moved by any person, from the place at which it is located when so detained, until released by such representative. All official marks may be required by such representative to be removed from such article or poultry before it is released unless it appears to the satisfaction of the Secretary that the article or poultry is eligible to retain such marks.

"SEC. 20. (a) Any poultry product, or any dead, dying, disabled, or diseased poultry, that is being transported in commerce or otherwise subject to this Act, or is held for sale in the United States after such transportation, and that (1) is or has been processed, sold, transported, or otherwise distributed or offered or received for distribution in violation of this Act, or (2) is capable of use as human food and is adulterated or misbranded, or (3) in any other way is in violation of this Act, shall be liable to be proceeded against and seized and condemned, at any time, on a libel of information in any United States district court or other proper court as provided in section 21 of this Act within the jurisdiction of which the article or poultry is found. If the article or poultry is condemned, it shall, after entry of the decree, be disposed of by destruction or sale as the court may direct and the proceeds, if sold, less the court costs and fees, and storage and other proper expenses, shall be paid into the Treasury of the United States, but the article or poultry shall not be sold contrary to the provisions of this Act, or the laws of the jurisdiction in which it is sold: *Provided*, That upon the execution and delivery of a good and sufficient bond conditioned that the article or poultry shall not be sold or otherwise disposed of contrary to the provisions of this Act, or the laws of the jurisdiction in which disposal is made, the court may direct that such article or poultry be delivered to the owner thereof subject to such supervision by authorized representatives of the Secretary as is necessary to insure compliance with the applicable laws. When a decree of condemnation is entered against the article or poultry and it is released under bond, or destroyed, court costs and fees, and storage and other proper expenses shall be awarded against the person, if any, intervening as claimant of the article or poultry. The proceedings in such libel cases shall conform, as nearly as may be, to the proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in any case, and all such proceedings shall be at the suit of and in the name of the United States.

"(b) The provisions of this section shall in no way derogate from authority for condemnation or seizure conferred by other provisions of this Act, or other laws.

"SEC. 21. The United States district courts, the District Court of Guam, the District Court of the Virgin Islands, the highest court of American Samoa, and the United States courts of the other territories, are vested with jurisdiction specifically to enforce, and to prevent and restrain violations of, this Act, and shall have jurisdiction in all other kinds of cases arising arising under this Act, except as provided in section 8(d) or 18 of this Act. All proceedings for the enforcement or to restrain violations of this Act shall be by and in the name of the United States. Subpenas for witnesses who are required to attend a court of the United States, in any district, may run into any other district in any such proceeding.

"SEC. 22. For the efficient administration and enforcement of this Act, the provisions (including penalties) of sections 6, 8, 9, and 10 of the Federal Trade Commission Act, as amended (38 Stat. 721-723, as amended; 15 U.S.C. 46, 48, 49, and 50) (except paragraphs (c) through (h) of section 6 and the last paragraph of section 9), and the provisions of subsection 409(1) of the Communications Act of 1934 (48 Stat. 1096, as amended; 47 U.S.C. 409(1)), are made applicable to the jurisdiction, powers, and duties of the Secretary in administering and enforcing the provisions of this Act and to any person with respect to whom such authority is exercised. The Secretary, in person or by such agents as he may designate, may prosecute any inquiry necessary to his duties under this Act in any part of the United

States, and the powers conferred by said sections 9 and 10 of the Federal Trade Commission Act as amended on the district courts of the United States may be exercised for the purposes of this Act by any court designated in section 21 of this Act.

"SEC. 23. Requirements within the scope of this Act with respect to premises, facilities and operations of any official establishment, which are in addition to, or different than those made under this Act may not be imposed by any State or Territory or the District of Columbia, except that any such jurisdiction may impose recordkeeping and other requirements within the scope of paragraph (b) of section 11 of this Act, if consistent therewith, with respect to any such establishment. Marking, labeling, packaging, or ingredient requirements (or storage or handling requirements found by the Secretary to interfere with the free flow of poultry products in commerce) in addition to, or different than, those made under this Act may not be imposed by any State or Territory or the District of Columbia with respect to articles prepared at any official establishment in accordance with the requirements under this Act, but any State or Territory or the District of Columbia may, consistent with the requirements under this Act, exercise concurrent jurisdiction with the Secretary over articles required to be inspected under this Act, for the purpose of preventing the distribution for human food purposes of any such articles which are adulterated or misbranded and are outside of such an establishment, or, in the case of imported articles which are not at such an establishment, after their entry into the United States. This Act shall not preclude any State or Territory or the District of Columbia from making requirement or taking other action, consistent with this Act, with respect to any other matters regulated under this Act.

"SEC. 24. (a) Poultry and poultry products shall be exempt from the provisions of the Federal Food, Drug, and Cosmetic Act to the extent of the application or extension thereto of the provisions of this Act, except that the provisions of this Act shall not derogate from any authority conferred by the Federal Food, Drug, and Cosmetic Act prior to enactment of the Wholesome Poultry Products Act.

"(b) The detainer authority conferred by section 19 of this Act shall apply to any authorized representative of the Secretary of Health, Education, and Welfare for purposes of the enforcement of the Federal Food, Drug, and Cosmetic Act with respect to any poultry carcass, or part or product thereof, that is outside any official establishment, and for such purposes the first reference to the Secretary in section 19 shall be deemed to refer to the Secretary of Health, Education, and Welfare.

"SEC. 27. The Secretary shall annually report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture and Forestry of the Senate with respect to the slaughter of poultry subject to this Act, and the preparation, storage, handling, and distribution of poultry parts, poultry products, and inspection of establishments operated in connection therewith, including the operations under and the effectiveness of this Act."

SEC. 19. The heading "Designation" preceding section 5 of said Act is hereby amended to read "Federal and State cooperation"; the heading "Labeling" preceding section 8 of said Act is hereby amended to read "Labeling and containers; standards"; the heading "Records of interstate shipment" preceding section 11 of said Act is hereby amended to read "Articles not intended for human food; record and related requirements for processors of poultry products and related industries engaged in commerce; registration requirements for related industries engaged in commerce; regulation

of transactions in commerce in dead, dying disabled, or diseased poultry and carcasses thereof; authority to regulate comparable intrastate activities"; and the heading "Violations by exempted persons" preceding section 16 of said Act is hereby amended to read "Entry of materials into official establishments."

SEC. 20. The Federal Meat Inspection Act (34 Stat. 1260, as amended by the Wholesome Meat Act, 81 Stat. 584) is amended—

(1) by striking out paragraph (t) of section 1 of such Act and inserting in lieu thereof the following:

"(t) The term 'official inspection legend' means any symbol prescribed by regulations of the Secretary showing that an article was inspected and passed in accordance with this Act, including any combined State-Federal official inspection legend prescribed by the Secretary under subparagraph (5) of section 301(c) of this Act."; and

(2) by adding at the end of section 301(c) of such Act a new subparagraph as follows:

"(5) Notwithstanding any other provisions of this Act, carcasses, parts thereof, meat and meat food products prepared under State inspection at any establishment in any State, not designated under this paragraph (c), in accordance with requirements which the Secretary has determined are at least equal to those under titles I and IV of this Act, shall be eligible for distribution in commerce

(including entry into any establishment at which inspection is maintained under title I) upon the same basis as carcasses, parts thereof, meat and meat food products inspected under title I, when they are marked under such supervision and other conditions as the Secretary may by regulation prescribe, with a combined State-Federal official inspection legend."

SEC. 21. If any provisions of this Act or of the amendments made hereby or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and the remaining amendments and of the application of such provision to other persons and circumstances shall not be affected thereby.

SEC. 22. This Act shall become effective upon enactment except as provided in paragraphs (a) through (c):

(a) The provisions of subparagraphs (a) (2) (A) and (a) (3) of section 9 of the Poultry Products Inspection Act and the provisions of section 17 of said Act, as amended by sections 9 and 16 of this Act, shall become effective upon the expiration of sixty days after enactment hereof.

(b) Section 14 of this Act, amending section 15 of the Poultry Products Inspection Act, shall become effective upon the expiration of sixty days after enactment hereof.

(c) Paragraph 11(d) of the Poultry Products Inspection Act, as added by section 11

of this Act, shall become effective upon the expiration of sixty days after enactment hereof.

ADJOURNMENT UNTIL TOMORROW AT 10 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and (at 7 o'clock and 17 minutes p.m.) the Senate adjourned until tomorrow, Saturday, July 27, 1968, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate July 26, 1968:

DIPLOMATIC AND FOREIGN SERVICE

Edson O. Sessions, of Illinois, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ecuador.

Raul H. Castro, of Arizona, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Bolivia.

Senate July 27, 1968

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relations with the U. S., for the period beginning with the import quota year following severance of the relations and continuing through 2 import quota years after relations are resumed (p. H7627). This bill will now be sent to the President.

5. DAIRY. Conferees were appointed on S. 3638, to extend for 3 years the authority of the Secretary of Agriculture to make indemnity payments to dairy farmers for milk required to be withheld from commercial markets because it contains residues of chemicals registered and approved for use by the Federal Government (p. H7627). Senate conferees have been appointed. The "Daily Digest" states that conferees have agreed to file a report (p. D748).
6. HOUSING. Agreed, 227-135, to the conference report on S. 3497, the housing bill (pp. H7657-67, H7685). For provisions see Digest 130. This bill will now be sent to the President.
7. ROADS. Agreed to the conference report on S. 3418, the road authorization bill (pp. H7768-77). Rejected, 166-167, a motion by Rep. Stratton to recommit the conference report (pp. H7676-77).
8. BUILDINGS. Agreed to the conference report on S. 222, to insure that public buildings financed with Federal funds are so designed and constructed as to be accessible to the physically handicapped. The conferees agreed that "the basic import of this legislation shall be confined to publicly owned buildings including public housing, or buildings accessible to the public." pp. H7680-81
9. RECREATION. A subcommittee of the Interior and Insular Affairs Committee approved for full committee action H. R. 15245 and S. 444, to establish the Flaming Gorge National Recreation Area in Utah and Wyo. p. D748
10. GRAIN INSPECTION; FLOOD CONTROL. Conferees agreed to file reports on H. R. 15794, to provide for U. S. standards and a national inspection system for grain, and S. 3710, omnibus rivers and harbors flood control bill. p. D748
11. FOREIGN AID. Rep. Michel criticized the "follies" of our foreign aid program and asked, "How many ungrateful foreign countries are our taxpayers going to be asked to support while our cities crumble?" pp. H7629-30
12. FEDERAL AID; REORGANIZATION. Rep. Roth spoke in support of two bills, to issue and maintain an up-to-date catalog on Federal assistance programs, and the proposed Executive Reorganization and Management Improvement Act. pp. H7685-6
13. FARM PROGRAM. Rep. Olsen stated "the basic principles in the 1965 farm act are tried and tested...and have worked well." He urged a 4-year extension of the program. p. H7692

14. LEGISLATIVE PROGRAM. Rep. Albert announced the following program for the week of July 29, Military construction appropriations, food stamp bill, FHA loans bill, and bill to prevent importation of endangered wildlife. p. H7687
15. ADJOURNED until Mon., July 29. p. H7706

SENATE -- July 26

16. OCEANOGRAPHY. The Commerce Committee reported without amendment S. Con. Res. 72, to express the sense of the Congress with respect to an International Decade of Ocean Exploration during the 1970's (S. Rept. 1476). p. S9442
17. EMPLOYMENT. The Armed Forces Committee reported with amendment H. R. 1093, to amend and clarify the reemployment provisions of the Universal Military Training and Service Act (S. Rept. 1477). p. S9442
18. FOREIGN AID. The Foreign Relations Committee reported with amendment H. R. 15263, the foreign aid authorization bill (S. Rept. 1479). p. S9442
19. POSTAL SERVICE. Passed, 47-8, as reported H. R. 15387, to amend title 39, United States Code, to provide for disciplinary action against employees in the postal field service who assault other employees in such service in the performance of official duties (pp. S9506-11, S9519-20, S9522-45). Agreed, 46-17, to a committee amendment exempting certain postal employees from personnel limitations of the Revenue and Expenditure Act (p. S9537). Rejected, 22-34, the Miller amendment providing that personnel limitations in the Revenue and Expenditure Control Act shall be retained except for those exempted by committee amendment adopted above (pp. S9541-3).
20. POULTRY. Began consideration of S. 2932, the poultry inspection bill. pp. S9545-51
21. CONSERVATION. Sen. Yarborough inserted an editorial supporting his bill to create a Big Thicket National Park in Tex. p. S9449
22. LEGISLATIVE PROGRAM. Sen. Mansfield announced the following program: following disposition of the postal personnel limitations bill, the Senate will take up the State, Justice, and Commerce appropriation bill on Mon., following that, the foreign aid authorization bill. During the week it will dispose of the HEW and Labor appropriations bill and D. C. appropriation bill. pp. S9483-4

SENATE -- July 27

23. POULTRY INSPECTION. Continued debate on S. 2932, the poultry inspection bill. pp. S9590-609, S9622-6
24. HEALTH. Passed with amendments H. R. 15758, the proposed Health Service Amendments of 1968, including continuation of grants for health services to migratory workers through the fiscal year 1971 and increasing gradually the authorization

Rules Committee published incendiary testimony in its Baker investigation from Don B. Reynolds, a garrulous insurance salesman from the Washington suburb of Silver Spring, Maryland, who said he had taken Baker into his insurance firm as a vice-president in the late 1950s to exploit his invaluable political contacts. Baker suggested in 1957, Reynolds testified, that Reynolds sell a life insurance policy to Senator Johnson, two years after his severe heart attack. Johnson was obviously a high risk, but Reynolds placed \$100,000 in life insurance with an underwriter. Shortly thereafter, Reynolds testified, Walter Jenkins suggested that he purchase advertising time from KTBC, the Johnsons' television station in Austin. The clear implication was that Reynolds owed Johnson a favor for the commissions he would receive as broker for the \$100,000 of life insurance. Reynolds bought the television advertising at a cost of \$1,208. Two years later, in 1959, according to Reynolds' testimony, Baker suggested that he give Johnson a high-fidelity stereophonic phonograph of a particular type desired by Mrs. Johnson. Reynolds said he sent such a set, costing him \$584.75 for purchase and installation, to Johnson's home in Washington accompanied by invoices that indicated Reynolds was the buyer. In 1961, after he became Vice-President, Johnson bought another \$100,000 life insurance policy from Reynolds.

"As he often did when trouble loomed, Johnson turned to those two canny Washington lawyers, Abe Fortas and Clark Clifford. Their advice boiled down to this: Jenkins should not testify before the Rules Committee and risk a cross-examination that might escalate Reynolds' testimony into a full-fledged crisis. But, Fortas and Clifford went on, the President must reply to Reynolds' charges and innuendo. That's precisely what Johnson did. At an impromptu press conference on January 23, the President gave a brief history of the life insurance policies purchased from Reynolds but said nothing at all about the advertising bought by Reynolds from KTBC. As for the stereo set, Johnson described it first as 'a gift . . . that an employee of mine [Baker] made to me and Mrs. Johnson' and then as a gift of 'the Baker family.'

"Democratic politicians generally disagreed with the Fortas-Clifford advice. Anything the President said, they believed, would elevate the whole matter and build it up as a political issue. Nor were these politicians happy when, at another presidential press conference on January 25, Johnson clumsily tried to equate the Reynolds-Baker stereo set with a miniature television set received from his office staff by Senator Barry Goldwater, then campaigning in the New Hampshire primary for the presidential nomination. 'I am a little amused when you talk about the stereo and the miniature television,' said Johnson with deep irony. 'I don't know what the difference is, but I guess there is some difference.'"

In 1964, considerable pressure was building up to get President Johnson to accept Senator Robert F. Kennedy as a running mate. How President Johnson responded and the role of Mr. Fortas, are described in the following passages, beginning at page 444.

"John Kenneth Galbraith had resigned as Ambassador to India and, since his part in drafting Johnson's first speech to Congress on November 27, 1963, had become a frequent visitor to the White House and adviser to the President. On July 21, 1964, the eve of his departure for a lengthy trip to Europe, Galbraith is known to have written President Johnson along the following lines: recalling a conversation he had with Johnson several days earlier on the subject of the vice-presidency, he praised Bobby Kennedy as a calm, competent person of great ability. The Kennedys, wrote Galbraith, had made one special contribution to the country: they had involved the new

generation in politics on the grand scale, just as Franklin Roosevelt had done in those days when Galbraith had first met Johnson in Washington. The enthusiasm of youth, wrote Galbraith, is a vital campaign asset. Moreover, youth and the involvement of youth would be even more important to the Johnson Administration in the forthcoming four-year period. In fact, concluded Galbraith, whether youth were enthusiastic for the Johnson ticket or disappointed in it could determine the result of the election.

"In his letter to the President, Galbraith was lobbying for Bobby Kennedy, and Galbraith had one of those eloquent liberal voices that, if sounded out loud, could attract much attention and make much trouble for Lyndon Johnson. Here it was, some five weeks before the Atlantic City convention. The Bobby Problem remained unsolved, and one of the most skilled publicists in the Democratic party was writing a letter as if there really were a possibility that Johnson would give second place on the ticket to Kennedy.

"Such continued persistence by Kennedy men made it clear to Johnson that the last feeble beating of Bobby-for-Vice-President hopes could not be permitted to continue into the National Convention itself, when the confusion and grief for John Kennedy among the delegates might somehow produce a climate of revolt at Atlantic City.

"Thus, during the week of July 27, one week after receiving Galbraith's letter and four weeks before the convention opened, Johnson quietly moved to prevent an emotionally supercharged atmosphere from developing at the big Convention Hall on the boardwalk. The Arrangements Committee for the convention had scheduled an opening day documentary film in memory of John F. Kennedy. It would, no doubt, be a deeply moving, tearful review for the three thousand delegates and alternates and would be carried across the country over television. Fearful it might start a vice-presidential bandwagon for Bobby Kennedy, Johnson ordered the memorial film postponed from the first to the last day of the convention—the night after the candidate for Vice-President had been nominated. Then, all the emotion in the world would avail for nothing.

"But changing the date of a movie by no means removed The Bobby Problem. For weeks, the President had quietly discussed various alternatives for removing Kennedy from all consideration for the vice-presidential nomination. Now he was ready to act. The best of all possible worlds from Johnson's point of view would have been for Kennedy to voluntarily disqualify himself from vice-presidential consideration, but that plainly was not going to happen. Johnson, still insecure in wielding the full political power of the presidency, did not want to risk alienating the Kennedy wing of the party by ruling out Bobby Kennedy in a simple statement. Thus it was that Johnson in secret consultation with his triumvirate of senior political advisers—Abe Fortas, Clark Clifford, and James Rowe—hit upon the final solution to The Bobby Problem.

"On Monday, July 27, the President telephoned the Attorney General and arranged for a meeting at the White House on Wednesday, July 29.

"When Bobby Kennedy walked into the President's Oval Office at 1 p.m. on Wednesday, Johnson came at once to the point. Kennedy, said the President, would probably run the country on his own someday but Johnson wanted him to know that he did not plan to put him on the ticket in 1964. The reason, Johnson said, was that he had decided Kennedy was not the Democrat who as Vice-President could contribute the most to the party, to the country, or to the President. Johnson offered Kennedy any foreign diplomatic post he wanted, and any

Cabinet post, if and when incumbent Cabinet members resigned.

"Kennedy accepted this verdict quietly and told Johnson he would do everything he could to help in the election. Johnson then asked him to become the campaign manager, as he had done for his brother.

"Kennedy replied he would have to resign as Attorney General to do that, and he wouldn't resign unless Johnson named Nicholas Katzenbach, then Deputy Attorney General, to succeed him. [Kennedy did resign as Attorney General on September 3, 1964, to run for the Senate in New York. After five months of soul-searching, Johnson finally named Katzenbach to take his place.]

"Kennedy now had been informed, but the larger problem—chewed over in such great detail with the Fortas-Clifford-Rowe triumvirate of informing the world remained for Johnson. At that Wednesday afternoon confrontation with Kennedy in the White House, there was some discussion of how the President's decision would be announced, but nothing was decided. Johnson still hoped to solve The Bobby Problem in the most expeditious way: a voluntary withdrawal by Kennedy himself.

"After the Wednesday meeting, he sought the help of Kenny O'Donnell to urge Kennedy to make such a statement. But O'Donnell, in an anomalous position through all of 1964 as presidential assistant with far closer ties to the Attorney General than to the President, declined. He told Johnson that Kennedy felt it was the President's responsibility to make whatever announcement he wanted, not Kennedy's. The President next enlisted his chief National Security aide, McGeorge Bundy, a nominal Republican who had never been ordered to engage in party politics before. On behalf of the President, Bundy asked Kennedy to announce he was not a candidate. Kennedy was both hurt and angry by Bundy's intervention and refused.

"With Kennedy refusing to jump overboard, Johnson now moved the alternative strategy he had devised with Fortas-Clifford-Rowe to push Bobby over with a minimum political risk. On Thursday evening, July 30, the President unexpectedly went before television cameras at the White House and read an announcement without precedent in American history: "I have reached the conclusion that it would be inadvisable for me to recommend to the convention any member of my Cabinet or any of those who meet regularly with the Cabinet." [Humphrey had not been informed of the Cabinet's wholesale elimination in advance, did not tune in his television set to watch the President on July 30, and was first informed of Johnson's startling announcement by a telephone call from a reporter. After hanging up the phone, Humphrey remarked to an aide that the reporter who had called him was invariably reliable but must be having hallucinations now. Humphrey could not believe the story.]

"Politicians who had tuned in on the President could scarcely believe their own ears. In shooting down Bobby Kennedy, the President had performed a mass execution of his entire Cabinet as well as two vice-presidential dark horses 'who meet regularly with the Cabinet,' Adlai Stevenson and Sargent Shriver.

"All of Washington guffawed at the clumsiness and transparency of the ploy. Yet, it was not without political logic. A case could be made that the Cabinet caper did muffle the blow against the Kennedys and thereby minimized the reaction of Kennedy forces in the party. Although every politician and newsman in the country knew Johnson was aiming only at Bobby Kennedy, the President had a plausible argument to the contrary. He claimed that his decision grew out of the larger consideration of good government. He couldn't spare any of his valued Cabinet aides, and that was as true of the other nine as it was of Bobby Kennedy.

[Johnson was so eager to prove that the exclusion was aimed at Cabinet members other than Bobby Kennedy that he told White House reporters in a background session on July 31 that covert vice-presidential campaign were under way for Dean Rusk and Orville Freeman in their respective home states of Georgia and Minnesota. This marked the first—and last—report of any such efforts.]”

Of interest also is the following, beginning on page 478 of the Evans and Novak book:

“From the beginning, the realistic among Barry Goldwater’s campaign advisers felt that the one slim hope for a monumental political upset lay in what became known as the morality issue. A vague, unfavorable image of the President—based partly on emotion, partly on his reputation as a Texas wheeler-dealer not unwilling to cut a corner here and there—had taken hold throughout the country. Like all such moods, this one was based on innuendo, coupled with the hard fact of Johnson’s fortune, built up while he held public office, and his earlier relationship with Bobby Baker in the Senate years. The polls showed that this mood was prevalent even among some voters who definitely planned to vote for Johnson anyway.

“But how to exploit it? A tough, skillfully prepared documentary movie called ‘Choice’ made a subtle effort to connect Johnson with a decline in public morality. But a sharp difference of opinion inside the Goldwater high command kept it off the television screens. There was surreptitious Republican help in some areas in distributing anti-Johnson smear literature, most disreputable of which was *A Texan Looks at Lyndon* by J. Evetts Haley, a Texas right-wing Democrat. As the campaign grew more bitter, the speeches of Goldwater and lesser Republicans became more explicit in challenging Johnson’s character.

“But to elevate these fragments into an important campaign issue required a genuine scandal. The Bobby Baker affair happened to be the only scandal at hand, and Republicans hoped and prayed that somehow the revelations of Baker’s extracurricular financial deals would implicate the President. The Baker case had been glossed over by the Senate Rules Committee, but Republicans got new hope on September 10 when the Senate, by a vote of 75 to 3, reopened the matter because of new evidence and assigned it for full investigation to the Rules Committee. For a moment, it appeared that the escapades of the bright young man from Pickens, South Carolina, whom Johnson had not seen or spoken to since he became President, might suddenly spring into the headlines again, just on the eve of the presidential election.

“Certainly that was the intent of Senator John J. Williams of Delaware, whose persistent sleuthing had uncovered the new evidence sufficient to convince the Senate to reopen the case. [Johnson made an unscheduled, last-minute campaign stop in Delaware in a futile effort to beat Williams, who was running for a fourth term in the Senate.] Certainly that was the hope expressed by the Republican minority on the Rules Committee. *But the President was in close touch with the Senate on the Baker case through the discreet efforts of Abe Fortas.* Thus, having reopened the case of September 10, the Senate on October 13 postponed the investigation until after the election. The last question during the campaign asked the President on this subject came on September 9. He answered that he favored ‘a thorough investigation and study of every indication that any federal law may have been violated.’ What he meant but didn’t say was that it not come during the campaign.

“Against this backdrop of Republican frustration, the tragic events revealed on October 14 came like a ray of hope to the Republican National Committee. Here was a bona fide scandal in being, perhaps striking at the heart of personal conduct that was Johnson’s

weakness. It was the first and only crisis of the campaign for Johnson.

“On October 7, *Walter Jenkins was arrested—along with an inmate of an old soldiers’ home—in the men’s room at the YMCA, one block west of the White House on G Street, for ‘disorderly conduct,’ a euphemism for inexplicable departure from accepted sexual conduct.* Rumors flooded Washington, and the Republican National Committee, quickly notified, helped spread them. *Abe Fortas and Clark Clifford vainly tried to kill publication of the news by personally visiting each of the three daily Washington newspapers.* But the news could not be suppressed and was transmitted across the country by United Press International on October 14.

“Walter Jenkins was no mere employee of the President. For twenty-five years, he had labored faithfully, effectively, and energetically as Johnson’s confidential assistant. Alone among all of Johnson’s aides, he had stayed and lasted, the faceless, anonymous servant to the end, serving Johnson without question and without ambition. His daughter Beth was Luci Johnson’s best friend. Lady Bird Johnson and Marge Jenkins were warm friends. Jenkins had been privy to every Johnson hope and aspiration not only during the long years in the Senate but in the White House as well. He had, in fact, brought on his own destruction by driving himself in the service of Lyndon Johnson eighteen hours a day, seven days a week, until, his body exhausted and his mind stretched taut by overwork, he had simply fallen apart.

“On October 15, Mrs. Johnson, heartsick over the tragedy, issued a statement from the White House filled with sympathy for Jenkins and his family. Johnson was campaigning in New York. He said nothing for well over twenty-four hours, despite the strongest advice from both his staff and from Mrs. Johnson herself that he say something to ease the anguish of his friend. But Johnson was torn between two conflicting forces: friendship and the fact the election was less than three weeks away.

“For, in those dark hours the evening of October 14, a wave of fear swept through the White House that this could be the happening that would change the course of history. Jenkins had been privy to every piece of classified intelligence in the White House. Was it possible that he had been subjected to blackmail, that the incident of October 7, or perhaps previous incidents, had been exploited by enemies of the United States? Within hours of the disclosure, Republicans were suggesting just that. Goldwater began talking about Johnson’s ‘curious crew’ to the roar of approval from the Republican faithful.

“Johnson resolved the conflict between friendship and the election by coming down on the side of the election.

“He said nothing at all about Jenkins. He did not speak to Jenkins. He did what he had to do as President, instructing Abe Fortas to get Jenkins’ resignation. He ordered an immediate investigation by the FBI (resulting in a report by J. Edgar Hoover on October 22 that there was no evidence of any kind that Jenkins had compromised the security of the United States).

“Simultaneously, the President commissioned Ollie Quayle to take an emergency public-opinion poll. It indicated the Jenkins case would have no perceptible effect on the election. Only then, late at night on October 15, the day after the story had broken, did the President finally issue a statement praising Jenkins’ twenty-five years of ‘personal dedication, devotion, and tireless labor’ and expressing ‘deepest compassion’ for both him and his family.”

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

WHOLESOME POULTRY PRODUCTS ACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the unfinished business.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The BILL CLERK. A bill (S. 2932) to clarify and otherwise amend the Poultry Products Inspection Act, to provide for cooperation with appropriate State agencies with respect to State poultry products inspection programs, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. HOLLAND. Mr. President, I wish to give notice that the quorum call which I am about to request will be a live quorum.

Mr. President, if there are any other matters that can be transacted shortly, I shall be happy to yield for them.

I am not trying to hold up the business of the Senate, but in considering a measure as important as this, first, I wish to discover whether we have a quorum present, and, second, I think every Senator ought to have a chance to pass upon a certain matter that will come up for consideration, which is unanimously supported by the commissioners of agriculture of the 50 States, and which has been supported heretofore in writing by the Secretary of Agriculture, in testimony by his Assistant Secretary, Dr. Mehren, and in writing by the Administrator of the Meat Inspection and Poultry Inspection Division of the Department of Agriculture.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. HOLLAND. I am happy to yield.

Mr. MANSFIELD. Mr. President, the Senator from Florida has been most considerate to allow us to get a lot of business out of the way. I would suggest that he repeat his request for a quorum call, and assure him notice will be served to attachés that this will be a live quorum.

Mr. HOLLAND. I wonder how the majority leader would feel about this: After we have concluded our arguments today, as I understand, there will be only one amendment on which there will be any controversy. Could a vote on that amendment and final passage be had on Monday?

Mr. MANSFIELD. I would be delighted, if it meets with the approval of all concerned.

Mr. HOLLAND. I have not discussed this with the chairman of the committee, the distinguished Senator from Louisiana [Mr. ELLENDER], nor with the Senator from New Mexico [Mr. MONROYA], but it would seem to me, if we complete the debate today, that no one involved would be likely to disagree, even if we have a bare quorum today, that as full a representation of the Senate as

possible ought to be present to pass on this controversial matter.

Mr. MONTTOYA. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield to the Senator from New Mexico.

Mr. MONTTOYA. I agree with the Senator from Florida that this is a very vital amendment, on which most of Members of the Senate should have a chance to vote. It affects consumer interest throughout this country, and I personally am willing to put it over until Monday.

Mr. MANSFIELD. Not the discussion; the vote.

Mr. MONTTOYA. The vote; yes. To put the vote over until Monday, so that we can have a more extensive representation of the Senate.

Mr. HOLLAND. I thank the Senator. I am not surprised that he takes the position he does, because I believe most Senators will wish to be recorded on this matter. I have no idea how they will want to be recorded, but I certainly would protect their right to be recorded on this matter.

Mr. MANSFIELD. Am I correct in my understanding that there is only one amendment the Senator knows of?

Mr. HOLLAND. There is another amendment, which I understand will not be opposed, but, as far as I know, only one controversial amendment is to come up. If the Senator from Louisiana or the Senator from New Mexico has any different information, I shall be happy to yield to them.

Mr. ELLENDER. Mr. President, there were four amendments added to the bill other than those recommended by the subcommittee that considered this measure. I do not foresee any lengthy debate on any amendment adopted by the committee itself, other than the one proposed by the distinguished Senator from Florida. I am very hopeful we can get a few Senators present to listen to this debate, because it is very important. My fear is if we now announce we will postpone the vote, we will be debating the matter with only two or three or four Senators in the Chamber.

Mr. MANSFIELD. No; because if any of the Senators have any ideas like that, I can assure them there will be live quorum calls this afternoon. We are not here just to put on a charade.

Mr. HOLLAND. Mr. President, as far as I am concerned, I do not propose to ask now for any postponement, and if there is a large attendance of Senators today, let us say 70 or more, I would not make that proposal.

Mr. MANSFIELD. There are not that many.

Mr. HOLLAND. I do feel, and I am glad that the Senator from New Mexico agrees with me, that the membership of the Senate generally should have the right to be recorded on this amendment.

Mr. ELLENDER. Mr. President, I wonder whether the distinguished majority leader would fix the hour for voting.

UNANIMOUS-CONSENT REQUEST

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate meets at 11 o'clock on Monday morning next, there be a time limita-

tion of 1 hour, the time to be equally divided between the majority and minority leaders or whatever Senators they may designate, and that the vote be taken on the Holland amendment not later than 12 o'clock.

Mr. HOLLAND. Mr. President, I shall agree to that request after we discover whether a quorum is present today, but I ask for a live quorum first. Assuming that a quorum is present, I shall support the request of the majority leader.

Mr. President, I suggest the absence of a quorum. It will be a live quorum call.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk called the roll, and the following Senators answered to their names:

[No. 245 Leg.]

Allott	Hatfield	Montoya
Anderson	Hickenlooper	Mundt
Baker	Hill	Nelson
Bible	Holland	Pearson
Boggs	Hollings	Pell
Byrd, W. Va.	Hruska	Proxmire
Case	Jackson	Randolph
Cotton	Jordan, N.C.	Ribicoff
Curtis	Jordan, Idaho	Russell
Ellender	Kuchel	Scott
Ervin	Mansfield	Smathers
Fong	McGee	Sparkman
Griffin	McIntyre	Stennis
Hansen	Metcalf	Williams, N.J.
Harris	Mondale	Young, Ohio

The PRESIDING OFFICER. A quorum is not present.

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After a little delay, the following Senators entered the Chamber and answered to their names:

Byrd, Va.	Fannin	Symington
Cooper	Hayden	Tydings
Dirksen	McClellan	
Dodd	Spong	

Mr. BYRD of West Virginia. I announce that the Senator from Hawaii [Mr. INOUE] is absent on official business.

I also announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Indiana [Mr. BAYH], the Senator from Maryland [Mr. BREWSTER], the Senator from North Dakota [Mr. BURDICK], the Senator from Nevada [Mr. CANNON], the Senator from Idaho [Mr. CHURCH], the Senator from Pennsylvania [Mr. CLARK], the Senator from Mississippi [Mr. EASTLAND], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Tennessee [Mr. GORE], the Senator from Alaska [Mr. GRUENING], the Senator from Michigan [Mr. HART], the Senator from Indiana [Mr. HARTKE], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Ohio [Mr. LAUSCHE], the Senator from Missouri [Mr. LONG], the Senator from Louisiana [Mr. LONG], the Senator from Washington [Mr. MAGNUSON], the Senator from Minnesota [Mr. MCCARTHY], the Senator from South Dakota [Mr. MCGOVERN], the Senator from Oklahoma

[Mr. MONRONEY], the Senator from Oregon [Mr. MORSE], the Senator from Utah [Mr. MOSS], the Senator from Maine [Mr. MUSKIE], the Senator from Rhode Island [Mr. PASTORE], the Senator from Georgia [Mr. TALMADGE], and the Senator from Texas [Mr. YARBOROUGH] are necessarily absent.

Mr. KUCHEL. I announce that the Senators from Vermont [Mr. AIKEN and Mr. PROUTY] are absent on official business.

The Senator from Utah [Mr. BENNETT], the Senator from Massachusetts [Mr. BROOKE], the Senator from Kansas [Mr. CARLSON], the Senator from Colorado [Mr. DOMINICK], the Senator from New York [Mr. JAVITS], the Senator from Kentucky [Mr. MORTON], the Senator from California [Mr. MURPHY], the Senator from Illinois [Mr. PERCY], the Senator from South Carolina [Mr. THURMOND], the Senator from Texas [Mr. TOWER], and the Senator from Delaware [Mr. WILLIAMS] are necessarily absent.

The Senator from Iowa [Mr. MILLER], the Senator from North Dakota [Mr. YOUNG], and the Senator from Maine [Mrs. SMITH] are detained on official business.

The PRESIDING OFFICER. A quorum is present.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. I should like again to propound the unanimous-consent request, that, at the conclusion of the disposition of the Journal on Monday morning next, July 29, 1968, at approximately 11:02 a.m. or 11:03 a.m. there be a time allocation, not to go beyond 12 o'clock, to be equally divided between the minority and majority leaders or whomever they may designate; and that the vote on all amendments take place at 12 o'clock.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

Mr. HOLLAND. Mr. President, of course, I have no objection, but when it takes an hour to get a bare quorum here this morning, 50 out of 99 Senators, it is obvious that Senators will not have an opportunity to express themselves on this very important matter today.

If we go ahead to a vote, I would suggest, however, that the time allowance, under what I have heard recently, be separate on each amendment, because my present understanding from the Senator from Louisiana is that there will probably be a discussion of at least one more amendment than the one I offered, which is a controversial amendment.

Mr. ELLENDER. Mr. President, I think that we should be able to discuss the amendments this afternoon. I am sure that many Senators will read the RECORD and probably have a better opportunity to learn what the bill is all about than by being present. I believe that we should debate from 11 o'clock until 12 o'clock and then start voting on the amendments one after the other; and, then on the bill itself.

Mr. HOLLAND. Mr. President, I have no objection to that approach. However, I would suggest that at least half an hour be allowed on any amendment. I under-

stand that the distinguished Senator from Georgia is not here today and may have an amendment that he wants to modify and support. I do not want him to feel that we are not taking care of him as well as we are taking care of the Senator from Florida.

My suggestion would be that the unanimous-consent agreement be modified to provide at least 30 minutes of debate to be allowed on any amendment, after which there will be a roll call vote. That would make the unanimous-consent agreement quite acceptable to me.

Mr. MANSFIELD. Mr. President, with that modification, I renew my unanimous-consent request and also ask that the usual rules and regulations be followed in respect to it.

The PRESIDING OFFICER. Will the Senator from Montana please restate his unanimous-consent request.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the disposition of the Journal on Monday next, there be a time limitation of one-half hour on each amendment, the time to be equally divided between the sponsor of the amendment and the Senator in charge of the bill; and that, hopefully, the vote can take place beginning at 12 o'clock.

Mr. ELLENDER. Right.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

Mr. NELSON. At 12 o'clock?

Mr. MANSFIELD. We come in at 11 o'clock on Monday next.

Mr. NELSON. Mr. President, I object to that. I am here on Saturday. I canceled out my engagement in Wisconsin. Other Senators have also done so. I am now going to Wisconsin. I will get back here about noon on Monday, which will be just in time to miss the vote.

Mr. MANSFIELD. Just in time to make the vote.

Mr. NELSON. That will not give me enough time, because of my schedule, and so forth.

Mr. HOLLAND. Mr. President, if the Senator will yield, that will be acceptable to me.

Mr. MANSFIELD. Mr. President, I change the time to 12:30 o'clock.

Mr. SCOTT. Mr. President, reserving the right to object—and I shall not object—I merely wish to point out the fact that a number of us are here on Saturday, a number of us have changed our appointments and our engagements and, therefore, it operates a degree of harshness upon us, that those who are now here are penalized and those who stayed away are rewarded.

As a result of this procedure, some of us will have to be away to take part in a great American function, beginning on Monday next. For patriotic reasons—and I should like it to be noted—I shall ask for a leave of absence to be away during the sessions of the Senate next week, purely in the interests of furthering my patriotic motivations. But, Mr. President, I shall not object at this time, although I am sorely distressed.

Mr. MANSFIELD. When that request is made, will the Senator make it an official leave of absence?

Mr. SCOTT. Yes, I shall be delighted to be official about it.

Mr. HANSEN. Mr. President, reserving the right to object—and I shall not object—I, too, would like to note that those of us in the minority party do find ourselves somewhat at a disadvantage in this instance, because those who serve on the platform committee are going to miss either the actions of the Senate or participation in some of the activities having to do with the formulation of a platform for party in Miami this coming week.

I would note that the same handicap will not befall our friends on the other side of the aisle.

Mr. MANSFIELD. We did not plan it that way, though.

Mr. HANSEN. I simply observe what the facts are. With great respect and admiration for the distinguished majority leader, I, too, want to point out that I am here today, that I have been rather diligent in trying to be on hand when the Senate has been in session. It is not pleasant to contemplate missing considerable activity and participation in discussion and the votes being taken during the coming first 3 days of this next week which will either witness my having missed the votes of being unable to participate in some activities important to my party in Miami.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none and the order is entered.

The unanimous-consent request as later reduced to writing, is as follows:

Ordered, That, effective after the approval of the Journal on Monday, July 29, 1968, during the further consideration of the bill (S. 2932) to clarify and otherwise amend the Poultry Products Inspection Act, to provide for cooperation with appropriate State agencies with respect to State poultry products inspection programs, and for other purposes, debate on any amendment, motion or appeal except a motion to lay on the table, shall be limited to one-half hour, to be equally divided and controlled by the mover of any such amendment or motion and the Senator from Louisiana [Mr. ELLENDER]; *Provided*, That in the event the Senator from Louisiana is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or some Senator designated by him; *Provided further*, That no amendment that is not germane to the provisions of the said bill shall be received.

Ordered further, That no vote shall occur on any amendment prior to 12:30 p.m. on Monday next.

Mr. MANSFIELD. I wish to thank the Senate and especially those Members who had to make a real sacrifice. There are many here today attending this session. May I say that while we have a quorum, we have gone beyond the number of Senators required to be present.

Furthermore, for the information of the Senate, it took just 35 minutes to achieve a quorum this morning. That is not too bad, considering the time, the day, and so forth.

May I express my appreciation to all those Members who canceled engagements to be here today and to assure them that I personally appreciate what they have done.

LEAVE OF ABSENCE

Mr. SCOTT. Mr. President, at the moment, my attendance record is something in the neighborhood of 95 percent.

Through no fault of my own, or of my side of the aisle, I shall be unable to be present during much of next week.

I therefore ask unanimous consent that I may have official leave of absence for next week.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCOTT. Mr. President, may I make a plea for mercy, if not for justice, on the part of those who might be disposed to call for record votes next week, wherever a voice vote will do. I hope that mercy will prevail over the record.

Mr. ELLENDER. Mr. President, during the last few years, there have been many legislative proposals with respect to red meat inspection as well as poultry.

It will be recalled that in 1967 Congress revised the act of 1906 in reference to red meat inspection, and in 1957 we had a bill enacted which provided for inspection of poultry in interstate commerce.

Today we have before us a bill designed to provide for a cooperative effort between the Federal Government and the State governments in order to have poultry inspection that would affect all poultry, whether sold in interstate commerce or intrastate commerce.

The subcommittee headed by the Senator from North Carolina [Mr. JORDAN] held hearings on this bill. Last week the subcommittee made its report to the full committee. All of the recommendations, I think, made by the subcommittee were adopted by the full committee. The full committee adopted four additional amendments, which I shall discuss in a few moments.

Mr. President, I am very hopeful that we can have this bill enacted before Congress recesses. I think it is an important bill. It is a step in the right direction. The bill is patterned after the red meat inspection bill that Congress enacted in 1967.

The inspection will be done on a cooperative basis. The Federal Government will furnish the States funds in order to work out methods for inspection. At the end of 2 years it is expected that, if the States have inspection service equal to or better than Federal inspection, such poultry will be able to be shipped in interstate as well as intrastate commerce. If some of the States do not complete their programs of inspection within the first 2 years, then a third year will be given.

The pending bill provides almost the identical language that was provided in the red meat inspection bill, which gives the Federal Government the right to go into a State and take over the inspection of, let us say, a particular packing plant which is producing adulterated poultry products endangering the public health.

However, as I understand the proposed act we are now considering, under no conditions can the Federal Government take over unless, as I have said, the inspection shall not be equal to or better than the Federal inspection.

My good friend the Senator from New Mexico [Mr. MONTOYA], who was a member of the subcommittee that handled the hearings, will go into more detailed

discussion of the bill as a whole than I hope to present this afternoon. What I expect to do is to give just a general statement of the overall effect of the bill.

The present Poultry Products Inspection Act became law about 11 years ago. Although it is a model as far as it goes, it does not provide complete assurance that all consumers will have access to wholesome poultry.

The 1957 act established a Federal inspection system for poultry and poultry products processed by plants shipping in interstate and foreign commerce. For the products covered, it has worked well because it assures that the birds or products bearing its mark are wholesome, unadulterated, and honestly labeled. For the poultry products not covered, inspection service, when provided, is often inadequate.

Instead of replacing the Poultry Products Inspection Act completely, S. 2932 amends it to authorize the establishment of a Federal-State cooperative inspection service for poultry products comparable to that provided under the Federal Meat Inspection Act, as amended in 1967. Through help in the development of trained staffs and the provision of funds by the Federal Government, the States are encouraged to enact and administer effective mandatory inspection programs under State administration or jointly with the Federal Government. Two years are allowed the States in which to implement such a system. If the Secretary has reason to believe a State will meet this requirement, an additional year will be given to complete the installation and employment of the system.

The bill extends Federal inspection and regulation to poultry processed for shipment within the States where the States do not enforce requirements at least equal to the Federal requirements after the specified times above.

Where poultry products processed solely for intrastate commerce endangered the public health, the Federal requirements could, under specified conditions, be applied at any time to those particular establishments.

Through such extension of the existing Poultry Products Inspection Act, the proposed Wholesome Poultry Products Act provides that the bulk of the 13 percent—some 1.6 billion pounds—of the poultry slaughtered each year in the United States without Federal inspection would soon be covered by requirements equal to the 87 percent now federally inspected.

In measures similar to those in title II of the Federal Meat Inspection Act, the bill would authorize surveillance of the activities where adulteration or misbranding could occur other than just the processing or slaughtering phases. The persons or firms subject to such supervision would include, among others in commerce, poultry products brokers, renderers, animal-food manufacturers, and dealers in dead, dying, disabled, or diseased poultry or parts of poultry that died other than by slaughter.

The Subcommittee on Agricultural Research and General Legislation held hearings on July 1 and 2, 1968, on all poultry bills before it.

All witnesses except one testified in favor of updating the act. However, a number of amendments were proposed.

Later the subcommittee met and, using H.R. 16363 as a base, decided to recommend five amendments to the full committee, which was to meet on Wednesday, July 17, 1968.

The full committee at its regular meeting approved all amendments proposed by its subcommittee. These were:

First, to strike the word "knowingly" from section 9(a), in order to conform that section to the corresponding section of the Meat Inspection Act. This change does not affect carriers, since section 12 (b) of the law absolves carriers "unless the carrier has knowledge, or is in possession of facts which would cause a reasonable person to believe" that the poultry was not eligible for transportation.

Second, to prohibit the Secretary from requiring any change in the official inspection legend. That legend is and would continue to be "inspected for wholesomeness". The Department has given some consideration to changing it to "inspected and passed for wholesomeness". Since the legend cannot be applied to products which are not passed, this change would not give the consumer any greater protection.

Third, to strike out requirements that labeling information be placed on both the carcass and the container in the case of nonconsumer packed carcasses. Poultry carcasses cannot be stamped like red meat. Metal or plastic tags have been tried, but these present some danger to the consumer, if they are inadvertently ingested.

The record shows, Mr. President, that in one or two instances, consumers of poultry marked with some kind of metal marker swallowed one of the markers and had to go to a doctor, and there was a suit for damages. But the Secretary, as I understand it, in this bill is given discretion for the use of markers if necessary. The evidence showed that it would be rather difficult for each bird to be marked. And even if this were possible it would provide little additional protection to the consumer, particularly when the bird comes to the retailer, is cut up, and the parts repackaged, so that the mark on the carcass never reaches the consumer. It would be burdensome but would not provide the consumer with any way to tell whether or not the bird was properly inspected. But the bill does make it necessary that all poultry shipped—that is, the container—be marked. Sometimes one may ship a dozen, two dozen, or three dozen chickens, but the bill provides that the package must be stamped.

I repeat, I think the evidence showed conclusively that it would be almost impossible for us to maintain identification in this manner from the place where the poultry was slaughtered to the purchaser. As I have stated, the Secretary of Agriculture is allowed wide discretion as to how best to maintain such identification, if it is at all possible, but this provision would not contribute to that objective.

Fourth, to provide interested parties with an opportunity to present their views orally with respect to proposed rulemaking under the Poultry Products

Inspection Act. Title 5, United States Code, section 553(c), now provides them with the opportunity to present written views. Judicial review is provided for by chapter 7 of title 5 of the United States Code.

Fifth, to prohibit any State, territory, or the District of Columbia from imposing storage or handling regulations with respect to articles prepared at any official establishment which would act as trade barriers to interfere with the free flow of poultry products in interstate commerce, and extend the Secretary's authority to regulate storage and handling under section 13 of the bill to cover storage and handling at retail stores and other establishments which make purchases in commerce.

Individual Senators also proposed several amendments.

The Senator from Georgia [Mr. TALMADGE] offered and the committee accepted by voice vote an amendment to the declaration of policy which is contained in section 3 of the bill stating the intent of Congress that all poultry which is injurious for human consumption shall be condemned, and stating that the reason for condemnation must be supported by substantial scientific fact.

The committee accepted an amendment of the Senator from Florida [Mr. HOLLAND] by a record vote of 10 to 2, among the objectors being the distinguished Senator from Oregon [Mr. HATFIELD] and my good friend from New Mexico [Mr. MONTROYA], Senator MONTROYA reserving the right to offer on the floor an amendment striking from the bill the provisions of the amendments to which I have just referred; that is, the amendment of the Senator from Georgia [Mr. TALMADGE] and that of the Senator from Florida [Mr. HOLLAND]. The amendment of the Senator from Florida would permit poultry products and meat and meat products which have been processed under State inspection to move in interstate commerce, where the Secretary has determined that the State inspection system is equal to or better than the Federal system.

After the committee had acted upon the bill, there developed quite a lot of opposition from outside the committee to the amendment submitted by the Senator from Georgia as well as the amendment submitted by the Senator from Florida. The Senator from New Mexico [Mr. MONTROYA] came to see me before the bill was reported, with a view of trying to have the bill retained by the committee until the committee could go over these amendments again, and perhaps modify them, change them, or do something with them that might be acceptable to the committee as a whole.

I stated to Senator MONTROYA that if he could satisfy the Senator from Georgia and the Senator from Florida, I would have no objection to that, because they were the ones primarily interested in these two amendments. I also suggested that if we returned the bill to the committee, more time would be consumed; that probably someone would suggest the introduction of evidence, which would delay the passage of the bill, and for that reason, I suggested that the matter be discussed first with the Sena-

tor from Florida and the Senator from Georgia. I further suggested that they try to iron out their differences before the bill was presented to the Senate for debate.

Somehow, a meeting of the minds did not occur. The distinguished Senator from Florida and the distinguished Senator from Georgia suggested that it might be best for the bill to be reported as voted by the committee and that we would have the Senate, as a forum, in which to discuss the two amendments and let the Senators judge the measure by the facts developed in the debate. That is why the bill is pending today with those two amendments in it.

I do not wish to discuss in detail those amendments, but I point out that when I introduced the original bill on behalf of myself and quite a few other Senators, the amendment suggested by the distinguished Senator from Florida was in the bill.

That provision appears on page 19 of the bill. That bill was sent to us by the Department of Agriculture with a description, title by title, and a request that it be introduced and enacted by Congress.

The provision proposed by the distinguished Senator from Florida is the same as appears on pages 19 and 20 with the exception that he added a provision to cover red meat also.

Mr. President, I ask unanimous consent that that amendment be printed at this point in the RECORD as it appears on pages 19 and 20 of the bill.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

(5) Poultry products processed under State inspection at any establishment in any State, not designated under this paragraph (c), in accordance with requirements which the Secretary has determined are at least equal to those under sections 1-4, 6-10, and 12-22 of this Act, shall be eligible for distribution in commerce, upon the same basis as poultry products inspected under this Act, when they are marked under such supervision and other conditions as the Secretary may by regulation prescribe, with a combined State-Federal official inspection legend.

Mr. ELLENDER. Mr. President, the provision simply provides that if, as, and when the Federal Government certifies that State inspection is equal to, as good as, or better than that of the Federal Government, then through the inspection services in those States poultry can be shipped in interstate commerce just as though it were federally inspected.

Personally, I do not see any reason why the provision should be stricken from the bill. When the matter came before the committee, I sided with the distinguished Senator from Florida. I hope that during the debate the Senate will consider the proposal and act fairly about the matter. I cannot understand why there was this great, outside opposition to the amendment.

I am very hopeful the matter can be properly presented today and that on Monday we can vote on it. As far as I am concerned, I expect to vote for the inclusion in the bill of the Holland amendment.

I do not know whether the opposition stems from the fact that red meat was added to the Holland amendment. However, if that be the reason, it might be that we could strike out the red meat reference and let it apply to poultry within the confines of this act.

I assume that the Senator from New Mexico [Mr. MONTROYA] and the Senator from Oregon [Mr. HATFIELD] will offer reasons why the amendment should not be agreed to.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield to the Senator from Florida.

Mr. HOLLAND. Mr. President, I am looking at the bill which the distinguished Senator from Louisiana graciously introduced on behalf of himself and others. It is my understanding that he introduced the measure on behalf of himself and the Senator from New Mexico [Mr. MONTROYA] only.

I ask if the Senator will look at the bill and see if that is not correct.

Mr. ELLENDER. The Senator is correct. The other names were added later.

Mr. HOLLAND. The original print of the bill shows that the Senator from Louisiana introduced the bill on behalf of himself and the Senator from New Mexico [Mr. MONTROYA].

Mr. ELLENDER. The Senator is correct. The provision is included, and the Senator from New Mexico and I proposed it.

Mr. MONTROYA. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. MONTROYA. Mr. President, I state to the distinguished Senator from Louisiana and to the distinguished Senator from Florida that I had been checking on the drafting of the pending bill. My office had access to a copy of a draft and this provision was not in the last draft of the bill that we had seen. It appeared in the final draft submitted to the Senator from Louisiana, in which draft I joined with him as a cosponsor.

I state also, since this has been made a point of contention, that the subcommittee which considered the bill recommended the deletion of the so-called Holland amendment to the full committee. That deletion took place.

The House committee, when it considered a similar bill, recommended that the so-called Holland provision be deleted from the House bill. The House bill came to us without the so-called Holland provision.

It was not until we met in full committee that the provision offered by the Senator from Florida was reinserted in the bill.

By way of further clarification of the RECORD, in my testimony before the subcommittee, I recommended in my statement to the subcommittee that it delete the so-called Holland provision and the subcommittee did in fact delete it. Since the committee added it, I have an amendment pending at the desk to delete it.

Mr. ELLENDER. Mr. President, I merely desired to state the facts. And as I have stated them a moment ago, the subcommittee which considered the bill offered five amendments and that was all. Later, the amendment of the Senator

from Florida and the amendment of the Senator from Georgia were agreed to by the committee.

Mr. MONTROYA. I am not disputing the Senator's statement of facts. However, I merely wanted to add a few facts of my own to put the whole matter in the proper context.

Mr. ELLENDER. The Senator will have ample opportunity to do that, I am sure.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. HOLLAND. Mr. President, I thought I understood the Senator to say that the bill was an administration bill prepared in the Department of Agriculture and introduced by the Senator from Louisiana for himself and the Senator from New Mexico.

Mr. ELLENDER. The Senator is correct. Before the bill was put in the proper form, I went over it with the staff very carefully. I think we made a few minor changes. It was then that I presented the measure to the Senate.

Mr. HOLLAND. The Senator did not, however, put in this particular amendment?

Mr. ELLENDER. No.

Mr. HOLLAND. That amendment came in this particular form from the Department of Agriculture.

Mr. ELLENDER. The Senator is correct.

Mr. HOLLAND. I thank the Senator.

Mr. ELLENDER. There is no doubt about that.

As I said in my opening statement a while ago, the pending bill follows very closely the red meat inspection bill, almost on all counts. It more or less substituted poultry for red meat. That is about what it did.

The Senator from Vermont [Mr. AIKEN] proposed an amendment, also accepted by a voice vote, which would change the producer exemption provided by section 15(c)(1)(i) of the law as it would be amended by section 14 of the bill as passed by the House to provide for an exemption based on the number of birds processed, instead of the "wholesale dressed value" of the birds slaughtered.

In other words, it exempted poultry of not to exceed \$15,000 in value. It was thought by the Senator from Vermont that if we could change this to make it apply to the number of birds, to wit, 4,000 turkeys or an equivalent number of other birds, it would be better. Four and a half other birds would be considered equal to each turkey.

As I have said, that amendment was merely to clarify exemptions and, instead of making it on a value basis, to put it on a number basis.

Finally, the committee accepted an amendment of the Senator from Iowa [Mr. MILLER] which amends the imported poultry products provision to correspond to the provisions adopted last year in the Federal Meat Inspection Act.

I do not believe anyone opposes the amendment. It was adopted unanimously. It is a provision, as I recall, that was included in the Red Meat Act in 1967.

Mr. President, the statement I have just made is a general one, and I believe it covers the main points in the bill. I

presume that the distinguished Senator from New Mexico, who I understand will speak now, will give a little more detailed expression of what is in the bill.

Mr. MONTROYA. Mr. President, I have listened to the remarks of the distinguished Senator from Louisiana, and I believe he has done a splendid job in explaining the intricate provisions of the proposed legislation. I, too, have prepared a comprehensive statement and I will read it so that it will appear in the RECORD for the perusal of Senators who may not be present today.

Mr. President, the country has awakened in the last several years to an acute danger facing every citizen. There exists in some areas of American enterprise a tiny minority of unscrupulous persons who prey upon the American shopper. By ignoring elementary rules of ethical conduct, they endanger the health and well-being of millions of unsuspecting consumers.

Last year we were all collectively shocked to realize that millions of Americans were constantly exposed to unwholesome meat. Congress responded with vigorous action in the form of the new National Meat Inspection Act, which I was happy to sponsor in the Senate.

Now we must turn our attention to yet another menace confronting us—unwholesome poultry and poultry products. S. 2932, the wholesome poultry products bill, which the Senator from Louisiana [Mr. ELLENDER] and I have introduced, and in which we have been joined by other Senators, is aimed at correcting this insufferable situation.

The primary purpose of the wholesome poultry products bill is to assure all consumers that all poultry products produced commercially in the United States meet a minimum standard of wholesomeness, whether inspected under a State or a Federal system. Intent of S. 2932 is similar to provisions of the Wholesome Meat Act which I sponsored last year.

This bill would amend the Poultry Products Inspection Act to—

First. Authorize Federal assistance—including grants—to State poultry inspection programs, such assistance not to exceed 50 percent of the cost of the cooperative program;

Second. Extend Federal inspection to intrastate transactions in States which fail to develop adequate State systems in 2 years—or 3 years if at the end of 2 years it appears that the State will develop an adequate system;

Third. Provide immediate authority to extend Federal inspection to intrastate plants producing adulterated products which endanger the public where the State does not remove such danger;

Fourth. Prohibit commerce in poultry products not intended for human use, unless denatured;

Fifth. Extend the present recordkeeping provision to additional persons—including those dealing in dead, dying, disabled, or diseased poultry—and enlarge it to cover facility and inventory examination;

Sixth. Provide for registration of certain persons dealing in poultry—including those dealing in dead, dying, disabled, or diseased poultry;

Seventh. Provide for regulation of dealers in dead, dying, disabled, or diseased poultry;

Eighth. Authorize regulation of poultry product storage and handling;

Ninth. Modify exemptions;

Tenth. Provide for withdrawal of service, detention, seizure and condemnation, injunction, and investigation as new enforcement tools; and

Eleventh. Otherwise revise the Poultry Products Inspection Act.

The manner in which inspection of poultry is now handled by the Federal Government is excellent. USDA's Consumer and Marketing Service is doing a laudable job of protecting consumer interests. However, now we perceive the same condition that pertained in the meat crises of last year. They are able only to inspect that portion of production that moves interstate or in foreign commerce. In 1966, this amounted to 10 billion pounds, or 87 percent of poultry slaughtered in our Nation.

That 13 percent produced solely for sale within a State's boundaries has been left strictly to States as far as inspection is concerned. USDA's figures show that 12 States have a mandatory law requiring poultry inspection, five States have a voluntary inspection statute and 33 cover poultry inspection in general food legislation.

This multibillion-dollar-yearly industry depends upon the trust of our American consumers. Once she doubts the integrity of our poultry supply, that industry is in desperate trouble. Therefore, it is imperative that we plug these inspection loopholes swiftly. We can accomplish this by expanding our already excellent Poultry Products Inspection Act.

Nor is there any doubt that such action is necessary. A January 1968 survey by the Department of Agriculture of 97 non-federally-inspected poultry slaughtering and processing plants in 12 States revealed that over one third of them required major overhaul in order to meet Federal sanitary requirements.

When we realize there are some 26 different diseases common to poultry that may be passed on to human beings through consumption of unwholesome poultry, we have significant cause for concern.

In poultry processing plants that are federally inspected, there is a 4-percent rejection rate because of disease or contamination. This amounts to over 400 million pounds. When we apply the same percentage of rejection to poultry which is not federally inspected, we discover an added 64 million pounds which should be rejected. Further, this figure is on the conservative side, since there is a practice among some poultry producers to send inferior poultry which would face Federal rejection, to plants which are not federally inspected.

Total impact of these statistics? Each year every American is likely at least once to have placed before him a diseased, contaminated, or adulterated poultry product.

Poultry has become big business due to tremendous technological advances, au-

tomation and creation of giant poultry farms and processing plants.

A typical broiler plant now processes approximately 4,800 birds hourly, with an estimated output of 60 birds per man hour. Such factories have turned to palletized coop-handling, automatic killing and defeathering, chilling and wrapping systems. Approximately 75 percent of the output of these plants is sold more than 200 miles from point of slaughter, with birds being raised in areas of concentrated commercial production far removed from eventual markets.

Mr. President, this is a clearly set out problem. A tiny minority of unscrupulous businessmen are poisoning the minds of consumers by permitting a steady stream of unwholesome poultry to reach American tables. The peace of mind of the consumer is in as much danger as his digestion.

As long as American shoppers can enter a business establishment with a reasonable amount of confidence in what they are going to purchase, our marketplace is safe and our system with it.

But, as soon as the consumer feels his personal safety is in jeopardy, our entire system is as endangered as our marketplace.

It is imperative that public confidence in basic, everyday products and the progression producing them be restored.

I am not seeking to penalize an entire industry. It is an increasingly valuable and contributing segment of America's business life. All the more reason for us to perform as we must and eliminate this small but deadly amount of poison entering its bloodstream.

Consumer protection is business protection. By removing the unscrupulous operator, it makes our business life that much healthier and able to perform its functions.

Consumers are not the blind buyers of yesterday. Rather, they are more informed and aware than ever before. Not content with half measures, they look to business and to Congress for a clean house. This we can do with a minimum of aggravation and force.

Our poultry industry is progressive and desirous of aiding us in this task. Furthermore, this measure is a fair one. It allows States fair leeway to set up their own programs. We do not seek to have the National Government come in and trample upon State functions. Rather, we seek to have that National Government aid our States to set up their own programs in order to safeguard their own consumers. This is the main intent and thrust of this legislation.

But above all, we must keep in mind the fact that no matter what, the American shopper and consumer must be able to purchase her poultry and poultry products with complete confidence. We must and can remove this shadow from their minds. Each of us is affected and endangered.

Mr. President, in reporting out S. 2932, the committee adopted the language of the House-passed companion bill, H.R. 16363, and amended that language in several respects. One notable improvement over the House-passed language is the rejection of the proposal that a vio-

lation of the provisions of the act had to be done "knowingly" to constitute a violation. This provision which was adopted by the House, but which your committee rejected, would have made prosecution for violations of the act much more difficult if not impossible. The Poultry Products Inspection Act has thus been kept in conformity with other statutes for protection of the public health, such as the Federal Food, Drug, and Cosmetic Act and the Federal Meat Inspection Act. We, thus, also recognize the need for putting affirmative responsibility on persons engaged in producing or distributing products which are susceptible of endangering the public health or committing commercial fraud on the public, to exercise all necessary precautions to avoid these results. The Senate version in this respect is a substantial improvement over H.R. 16363 and will aid in effectuating the purpose of protecting the consumer.

Mr. President, it was the committee's intent in reporting S. 2932 to the Senate to afford as complete consumer protection against adulterated or misbranded poultry products, as was provided to consumers of red meat by enactment of the Wholesome Meat Act last year.

In general, the provisions of S. 2932 closely parallel and in many instances are identical to the provisions of the Wholesome Meat Act. I know that the consumers of this Nation have been waiting for us in Congress to deliver our promise of last year to insure them against adulterated poultry as we did for red meat. It was with this objective in mind that S. 2932 was submitted by the President to the Congress, and it was with this objective in mind that I—although I had been drafting a proposal of my own—readily joined Senator ELLENDER, chairman of the Committee on Agriculture and Forestry, in introducing the bill. And, it was with this in mind that the Subcommittee on Agricultural Research and General Legislation held hearings on the bill and reported it out to the full committee for its consideration.

However, Mr. President, because of certain amendments that were adopted at the last moment in committee, with very little time for discussion or deliberation, the committee has failed in its objective. As an individual Senator and member of the committee, it is incumbent upon me to bring to the attention of the Senate, provisions contained in the bill which I strongly feel not only detracts from, but which could very well destroy, the very intent which has followed this bill's progress to this point.

Mr. President, when this bill was reported out by the committee, I filed a minority report pointing to major weaknesses in this bill and proposing remedial alternatives. In this minority report, I was joined by the distinguished Senator from Minnesota [Mr. MONDALE], who fought so valiantly for the passage of the Wholesome Meat Act last year. I was also joined by my good friend the distinguished Senator from South Dakota [Mr. MCGOVERN]. And I was joined by the distinguished and able Senator from Oregon [Mr. HATFIELD].

Mr. President, it is now my understanding that the Senator from Georgia [Mr. TALMADGE] will offer a substitute amendment to his committee amendment which I was going to move to strike out. I will, therefore, accommodate Senator TALMADGE and withhold my amendment to his amendment until he is here on Monday and I have had an opportunity to discuss this further with him. I would, however, like to direct some remarks to the Talmadge committee amendment so that Senators will have an opportunity to review this over the weekend.

Mr. President, as we pointed out in our minority views, the committee amended section 3 of the bill containing a statement of legislative policy by adding at the end thereof the following:

It is the intent of Congress that all poultry which is injurious for human consumption shall be condemned. The reason for condemnation must be supported by substantive scientific fact.

Mr. President, if Senator TALMADGE had been here, I would have called up an amendment on behalf of myself, Senator MONDALE, Senator MCGOVERN, and Senator CLARK, to strike out this provision from the bill.

This language may appear harmless, but it is not.

In the most simple terms, it says that Congress does not object to diseased poultry being offered to consumers if it is not injurious to human health.

It will subject the Department of Agriculture to pressures to allow diseased poultry to be approved as wholesome.

The Congress must be clear on this point, we must be explicit. Diseased poultry must be condemned. Diseased poultry is not wholesome, and it cannot be offered to consumers with even the implied consent of the Congress.

This amendment, first of all, is inconsistent with the substantive provisions of the bill which clearly indicate the concern of Congress in protecting the consumers from all adulterated products, not only those injurious to humans, as indicated by the provisions for condemnation of adulterated poultry products. Secondly, the last sentence of the amendment would indicate that it is the intention that "substantive scientific fact" would have to be established as a prerequisite to a valid condemnation of any poultry product.

Mr. President, I wish to say that when the Senator from Georgia [Mr. TALMADGE] offered the amendment in committee, he had a noble purpose, indeed. However, the ramifications of the amendment he proposed were not foreseen by the committee until they began to study it.

I am happy to say that the Senator from Georgia and his office have assured us they are trying to get a different version of the amendment so that it will be more palatable to the Senate but yet not dilute the consumer protection intent of the bill.

This amendment would raise serious problems in that there are a number of circumstances or conditions which under the act warrant condemnation of poultry

products with respect to which they may not be available substantive scientific fact and in some cases such facts would necessarily not be involved. There are conditions warranting condemnation, but with respect to which there may not be positive "substantive scientific fact" to establish their potential injury to humans. The adulteration provisions of the bill dealing with commercial fraud, such as the substitution of inferior material to deceive the public, do not in any way involve "substantive scientific facts."

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a brief, discussing the many poultry diseases which may affect humans. Some of the diseases listed are detected on ante- or post-mortem inspection. Others are detected through the enforcement of sanitary requirements designed to minimize the contamination of edible products with disease-producing agents. There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

POULTRY DISEASES WHICH MAY AFFECT HUMANS

Poultry inspection includes organoleptic ante- and post-mortem examinations of poultry in slaughtering and eviscerating plants. It also includes inspection for environmental sanitation and the application of sanitary processing procedures and inspection for the soundness of ingredients, in-process products, and finished products in slaughtering and eviscerating and further processing plants.

Some of the diseases listed on the following pages are detected on ante- or post-mortem inspection. Others are detected through the inspection of ingredients, in-process products, and finished products for soundness or they are controlled through the enforcement of sanitary requirements designed to minimize the contamination of edible products with disease-producing agents.

The following diseases have been found transmissible from poultry to man.

A. BACTERIAL DISEASES

1. Erysipelas
2. Tuberculosis
3. Airsacculitis
4. Salmonellosis
5. Diphtheria
6. Brucellosis
7. Newcastle disease
8. Paracolon infections
9. Staphylococcosis
10. Streptococcosis
11. Tularemia

B. VIRAL DISEASES

1. Encephalomyelitis
2. Encephalitis
3. Newcastle disease
4. Ornithosis
5. Rabies
6. Leukosis (cancerous)

C. FUNGAL DISEASES

1. Aspergillosis
2. Favus
3. Thrush

D. TOXIC ILLNESSES

1. Tetanus
2. Botulism

E. PARASITIC ILLNESSES

1. Echinostomiasis
2. Schistosomiasis
3. Dermanyssus gallinae
4. Toxoplasmosis

The following diseases may be carried by poultry and can infect humans. Usually come

about through insanitary processing and passed on to humans:

1. Typhoid fever
2. Bacillary dysentery
3. Enterobiasis
4. Lymphocytic choriomeningitis
5. Paratyphoid fever
6. Amebic dysentery
7. Infectious hepatitis
8. Chemical poisoning

ERYSIPELAS

Erysipelas among poultry is most prevalent in turkeys. It is however also found in both chickens and ducks. It is a bacterial infection, which in poultry causes general weakness, sometimes diarrhea and petechial, or diffuse hemorrhages in many internal organs, and most commonly a deep reddish purple caruncle. Humans usually contract this disease through skin scratches and sores when in contact with infected poultry and poultry products.

ORNITHOSIS

Ornithosis is caused by an intracellular parasite. All species of domesticated poultry are susceptible, although the disease is more prevalent in turkeys. The symptoms in poultry are inflammations in the conjunctivae, respiratory passages, pericardium, and intestinal tract. The disease is better known to humans under the name of *Psittacosis*, although that name should technically be reserved for a nearly identical disease transmitted to man from psittacine birds such as parrots. Infections in humans occur mostly as an occupational disease among handlers of live poultry. Cases have however also been reported where the infection has been traced to nonvisceralized poultry purchased by family households. Infection occurred in these cases through contamination with intestinal contents of the diseased birds.

SALMONELLOSIS

Salmonellosis is common to all species of domesticated poultry. There are numerous different serotypes of *Salmonella* bacteria, many of which are disease producing. *Salmonella* infections in humans are normally contracted through ingestion. Over the past several years, 3-500 *Salmonella* isolations from humans have been reported per week. The source of many of these isolations is never determined. Of those traced to source of origin, poultry and poultry products are frequently incriminated.

TUBERCULOSIS

Avian tuberculosis is a disease very similar to tuberculosis in mammals. It is in poultry usually contracted through the intestinal tract and lesions are thus prevalent in these organs with more infrequent lung lesions. Tuberculosis in fowl has a protracted course and it is usually not seen in young birds. It will eventually lead to emaciation and the death of the involved animal. Transmission to humans usually occurs through ingestion.

Mr. MONTROYA. Basic to meat and poultry inspection laws is the authority and requirement for the condemnation of adulterated livestock and poultry. The term "adulterated" encompasses inspection findings of conditions that can be injurious to human health—and of conditions not of themselves specifically harmful to human health, but nevertheless considered unfit for human food purposes.

Some examples of diseases which can infect humans either from contact with a carcass or portion of the carcass, from consumption, or contamination of other foods are: tuberculosis, salmonellosis, erysipelas, encephalitis, psittacosis, ornithosis; Newcastle disease, staphylococcus, and streptococcus infections.

Diseases and conditions are also found for which no direct causal relationship with human health can be shown. In these situations the animal or a part is condemned on grounds that any diseased animal or part is not wholesome for human consumption. Here would be included conditions such as tumors, cancers, parasitic infections such as roundworms, liver flukes, sheep tapeworm cysts, specific infectious diseases such as hog cholera, caseous lymphadenitis in sheep and blackhead in turkeys and coccidiosis in poultry. This too is "adulteration."

The standard for meat, either livestock or poultry, that has been developed through public policy, is that it must be clean and that it be derived from healthy animals which are free of disease, abnormalities and contamination with noxious substances and filth; that is, bruises, injuries, emaciation, dead before slaughter, parasites, healed lesions, and so forth.

This standard is not based on identifiable—scientifically established human health hazards, but on the basic premise that the consumer would not of free choice consume a diseased animal nor feed it to another person as it is unsound or otherwise unfit for human consumption.

Among the diseases which have been found transmissible from poultry to man, are some 11 bacterial diseases, six viral diseases, three fungal diseases, two toxic illnesses, and four parasitic illnesses. Eight other diseases may be carried by poultry and can infect humans.

Mr. President, unless the committee amendment is deleted or modified, the condemnation of poultry carrying these diseases would become impossible with resultant disastrous results. Mr. President, I will await the return of Senator TALMADGE on Monday before suggesting action on this bill. But I am sure the language should be changed in order to effectuate the purpose for which it was introduced but not have the ramifications that I am afraid would be inimical to the consumers' interest at the present time.

Mr. HATFIELD. Mr. President, will the Senator from New Mexico yield?

Mr. MONTROYA. I yield.

Mr. HATFIELD. I should like to ask a question or two of the distinguished Senator from New Mexico; but, before doing so, would like to comment that, as a member of the committee who has listened and made certain conclusions on this very important subject, I believe the Senator from Louisiana [Mr. ELLENDER], our chairman; the Senator from Florida [Mr. HOLLAND], who proposes one of the amendments; the Senator from Minnesota [Mr. MONDALE]—for that matter, everyone on the committee—are seeking the same basic goals; namely, to protect the consumer.

As I understand it, it is basically now a question of the best procedures to follow in order to accomplish those goals.

My question to the Senator is this: Whether it does not really come right down to the question of how we interpret the language of Federal and State requirements in relation to inspection, that State programs are at least equal to Federal inspection programs?

Mr. MONTROYA. Yes; that is the tenet

and the purpose of the bill; namely, to encourage a State inspection system which will be equal to or excel the Federal system. That is the noble purpose of the bill. The Senator is right, that the point of inquiry here is: Does the bill accomplish that purpose in the consumers' interest, and if it does not, how can we improve upon the language in the bill?

Mr. HATFIELD. How would the Senator from New Mexico interpret the language "at least equal"? Is this in the wording of State statutes? Does it include the matter of inspection procedure? Does it include, as well, matters of enforcement? In other words, how do we interpret the words "at least equal" to Federal inspection?

Mr. MONTROYA. I believe that there is general agreement, so far as the committee is concerned, and so far as Congress is concerned—Congress having considered and enacted the Red Meat Inspection Act of 1967—that equality of inspection means that the States must have the kind of mandatory inspection that would be equal to the Federal laws, and coincident with such particular laws, there must be the same quality of enforcement. These two things must coincide and be parallel to the Federal structure before we can say that we have protected the consumer at the same level that Federal inspection laws do today, or will in the future.

Mr. HATFIELD. If the Senator will yield further, would the Senator say that this is a question, then, and a very comprehensive question, of interpreting what is equal not only in the language of the statute but also in matters of inspection, and in matters of enforcement and, therefore, that it will take time to be able appropriately to evaluate the State laws that we want to determine as being equal to the Federal laws?

Mr. MONTROYA. There is no question about that, because we have very little experience across the vast landscape with respect to intrastate inspection under State laws, because this is an entirely new field that has come up in the past few years. In fact, I tell the Senator here, and will read for the RECORD, that under the present state of conditions in this country, we have a few States with mandatory inspections, and a few other States with voluntary inspections, and we have States with no poultry inspection laws at all. Specifically, there are 33 States with no poultry inspection laws. The only inspection that is provided in the 33 States I am mentioning is by virtue of the food and drug laws which have been passed, and the general authority is there with respect to food. But, specifically, there are no poultry inspection laws in 33 States.

There are five States with voluntary inspections, and that is optional with the States, and the inspection is optional with the particular producer. Therefore, the inspection laws are not adequate in those States. For all intents and purposes, there are at least 38 States which do not have adequate inspection laws.

Mr. HATFIELD. A further question: Is it not only a question, then, of getting laws on the statute books but also a question of having personnel adequately

trained and geared to the machinery of State inspection programs that we have this question that arises now as to the time factor?

Mr. MONTROYA. The Senator is absolutely correct. The State inspection service over poultry and meat is an entirely new approach. In fact, the committee report of the House of Representatives states that there are only four active inspection programs in this country today, even though we have mandatory laws in several other States. There are only four active inspection programs in this country.

Mr. HATFIELD. I understand, then, that the Senator's feeling is at this time that until the Federal law is truly in operation in every respect, until the States themselves are geared up, it is premature at this time to start amending the red meat inspection law which was enacted only recently, actually to weaken it as it relates to Federal inspection.

Mr. MONTROYA. Absolutely.

Mr. HATFIELD. Would the Senator agree, further, that there is today a great deal of confusion that oftentimes exists between Federal and State agencies in the same field of endeavor, and, many times we hear as a Senator from our State, as I do from mine, and when I was formerly Governor of Oregon I recognized it, that when a Federal regulation or a Federal law is put into effect, and before the States have time to get involved and get geared up, the Federal Government is accused—and I think there is substantial evidence that it is guilty on occasion—of changing that regulation or law, or amending it, thus creating a state of confusion which makes it more difficult for the States really to comply or move in to a common purpose and a common program.

Mr. MONTROYA. The Senator from Oregon is absolutely correct.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. MONTROYA. I yield.

Mr. HOLLAND. In connection with the same subject that has been discussed in the colloquy between the distinguished Senator from New Mexico and the distinguished Senator from Oregon, is it not true that the bill makes the Secretary of Agriculture the sole judge of whether the law of any particular State and its enforcement is equal to or better than the Federal law and its enforcement?

Mr. MONTROYA. That is correct. However, there is this misgiving about that provision: While the States, on paper, may have inspection laws equal to the Federal law, will they be so enforced and if not, what, if anything, can be done to protect the consumer from watered down enforcement once the Secretary of Agriculture has relinquished his control to make a positive finding that the method of enforcement or the method of inspection, across the vast American landscape, can be standardized, and thus properly certificate a particular State inspection system as contemplated by the amendment of the Senator from Florida. That is one of the main points of contention.

Further, the particular provision that is espoused by the Senator from Florida

has a way of bringing the States into certification by the Secretary of Agriculture provided they have equality of standards and equality of inspection procedures and methods of enforcement thereof. But the Holland amendment contains no provision to the effect that the Secretary may later remove those certifications.

Mr. HOLLAND. The Senator has not read the bill carefully, because the bill provides that the Secretary has the complete right, and it shall be his duty, to remove recognition which he has previously given to a State system and its enforcement, in the event he finds that the standards do not remain up to or equal to or better than equal to Federal standards.

Mr. MONTROYA. I am fully aware of that provision; but that provision requires the Secretary of Agriculture, under certain circumstances which are alien to this particular provision, to give the States 30 days' notice to change the conditions in a certain plan; otherwise, Federal inspection will step in. After that due notice, if the State fails, then there must be publication for an additional 30 days. Then there might be some kind of court procedure, in addition to that, if the State still refuses. In the meantime, there is at least a 60-day lapse during which meat is being moved in interstate commerce, affecting the consumers of this country. That lapse can be dangerous to the consumers.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. MONTROYA. I yield to the Senator from Minnesota.

Mr. MONDALE. Under the Wholesome Meat Act of 1967, if a plant now under a State system wishes to market its production interstate—that is, nationally—may it not do so by immediately rejoining the Federal system today?

Mr. MONTROYA. That is correct.

Mr. MONDALE. So that if there is a plant that wants a national market now, it has a full and complete remedy available to it?

Mr. MONTROYA. That is correct.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. MONTROYA. I yield to the Senator from Florida.

Mr. HOLLAND. Is it not true that a provision of the bill—and this is also true in the case of the Wholesome Meat Act—permits the Federal Government to pay portions of the inspection costs and enforcement costs up to 50 percent of the total in the event the Secretary has found the enforcement is at least equal to the Federal enforcement? And, does it not provide that when he finds that is not the case, he has the right to call off that Federal contribution to the expense of the enforcement?

Mr. MONTROYA. The Secretary may offer up to 50 percent to the States as a contribution for the enforcement of the State inspection system. That is basic in this law, and it is basic in the Red Meat Inspection Act. The additional provision to which the Senator from Florida refers, I do not at this time recall.

Mr. HOLLAND. Well, the Senator will

find in the bill that the Secretary has a right to discontinue the contributions to the enforcement costs, just as he has the right to call off recognition.

Mr. MONTROYA. If there is failure of enforcement.

Mr. HOLLAND. Yes; if the enforcement is not equal to or better than Federal inspection, he has the right to call it off. So that additional weight is given to the Secretary's powers in this matter.

I happen to know, as chairman of the subcommittee handling agricultural appropriations, that already we have increased this year the Federal payment for this purpose in order that we can now help the States to reach this "at least equal to" performance. As a matter of fact, they are asking far more than we granted.

I just want the record to show we have imposed upon the Secretary the duty that if States at first meet the Federal standards and have a law and enforcement that are at least equal to Federal enforcement, he first can make the allotment of the Federal funds up to 50 percent of the cost; and then, if the State fails in its enforcement, he can call it off. That is exactly what he should do.

It looks to me like my distinguished friend has little confidence in the attitude of the Secretary of Agriculture or in his employees, who, by this law, are given the right to go into every plant, into any plant, and check any aspect of enforcement, check on enforcement in the field, where the consumers' interest is affected, which is not permitted State inspected products if the product goes beyond the State lines. And the Secretary has the power to cut off that contribution of up to 50 percent of the cost in the way of Federal funds, which is given only if the State law has been found by the Secretary to be equal to the Federal law and if the enforcement of the law has been found equal to Federal enforcement.

Mr. MONTROYA. May I say to my good friend from Florida that I do not think he and I disagree on what we are trying to accomplish. I want to say for the record here that I do not mean to impugn the motives of my good friend from Florida or of any member of the committee with respect to their individual stand on this particular provision which the Senator from Florida has offered in committee and which is now part of the bill. However, I have great concern, may I say to my friend from Florida, that, because of the experience we have had, the consumer is not going to be as fully protected as he would be under the Federal-State relationship which is threaded through the red meat inspection act which we adopted last year.

In my opinion, I think the amendment offered by the Senator from Florida dilutes the noble purpose that we have in mind, and I think it opens the back door for the opportunity for unscrupulous dealers in meat to invade the channels of interstate commerce with a State inspection level which is permissible under the amendment the Senator from Florida has offered as part of this bill.

That is one of my great concerns, and I intend to discuss the specifics of it in

my discussion of the so-called Holland amendment.

Mr. President, I would like to discuss the specifics of the Holland amendment. I am sorry to take up so much time on this, but I think it is a very important element in our consideration of the bill.

AMENDMENT NO. 911

On behalf of myself, Senator MONDALE, Senator McGOVERN, Senator HATFIELD, Senator CLARK, and Senator FONG, I have proposed an amendment, which is at the desk, dealing with the so-called Holland amendment. I ask that it be called up at this time.

The PRESIDING OFFICER. The Chair wishes to inquire of the Senator whether that is No. 1 or No. 2.

Mr. MONTOYA. It is No. 3.

The PRESIDING OFFICER. No. 3. The clerk will state the amendment.

The LEGISLATIVE CLERK. It is proposed, on page 63, beginning with line 7, strike out all down through line 17.

On page 91, beginning with line 13, strike out all down through line 13 on page 92.

On page 92, line 14, strike out "SEC. 21" and insert in lieu thereof "SEC. 20".

On page 92, line 20, strike out "SEC. 22" and insert in lieu thereof "SEC. 21".

The PRESIDING OFFICER. Are those amendments to be considered en bloc?

Mr. MONTOYA. The ones I have just called up I ask unanimous consent be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MONTOYA. Mr. President, I have two other amendments at the desk, applying to the so-called Talmadge provision and the so-called Aiken exemption provision in the present bill. I ask unanimous consent that they be ordered to be printed and lie at the desk.

The PRESIDING OFFICER. The amendments will be received and printed, and will lie at the desk.

Mr. MONTOYA. Mr. President, I ask unanimous consent that they be printed at this point in the RECORD.

The amendments referred to were ordered to be printed in the RECORD, as follows:

On page 46, after the period in line 15, strike out all down through the period in line 18.

On page 77, beginning with line 3, strike out all down through line 15 on page 79, and insert in lieu thereof the following:

"(c) (1) The Secretary shall, by regulation and under such conditions, including sanitary standards, practices, and procedures, as he may prescribe, exempt from specific provisions of this Act—

"(A) the slaughtering by any person of poultry of his own raising, and the processing by him and transportation in commerce of the poultry products exclusively for use by him and members of his household and his nonpaying guests and employees;

"(B) the custom slaughter by any person of poultry delivered by the owner thereof for such slaughter, and the processing by such slaughterer and transportation in commerce of the poultry products exclusively for use, in the household of such owner, by him and members of his household and his nonpaying guests and employees: *Provided*, That such custom slaughtered does not engage in the business of buying or selling any poultry products capable of use as human food;

"(C) the slaughtering and processing of poultry products in any State or Territory or the District of Columbia by any poultry producer on his own premises with respect to sound and healthy poultry raised on his premises and the distribution by any person solely within such jurisdiction of the poultry products derived from such operations, if, in lieu of other labeling requirements, such poultry products are identified with the name and address of such poultry producer, and if they are not otherwise misbranded, and are sound, clean, and fit for human food when so distributed; and

"(D) the slaughtering of sound and healthy poultry or the processing of poultry products of such poultry in any State or Territory or the District of Columbia by any poultry producer or other person for distribution by him solely within such jurisdiction directly to household consumers, restaurants, hotels, and boarding houses, for use in their own dining rooms or in the preparation of meals for sales direct to consumers, if, in lieu of other labeling requirements, such poultry products are identified with the name and address of the processor, and if they are not otherwise misbranded and are sound, clean, and fit for human food when distributed by such processor.

The exemptions provided for in clauses (C) and (D) above shall not apply if the poultry producer or other person engages in the current calendar year in the business of buying or selling any poultry or poultry products other than as specified in such clauses, or if the number of head of poultry processed by him in the current calendar year exceeds such limits as the Secretary may by regulation prescribe, consistent with subparagraph (3), as appropriate to avoid a requirement of inspection of processing operations of such a size that the cost of furnishing inspection would be excessive in relation to the volume processed or the rendering of inspection would otherwise be impracticable.

"(2) In addition to the specific exemptions provided herein, the Secretary shall, when he determines that the protection of consumers from adulterated or misbranded poultry products will not be impaired by such action, provided by regulation, consistent with subparagraph (3), for the exemption of the operation and products of small enterprises (including poultry producers), not exempted under subparagraph (1), which are engaged in any State or Territory or the District of Columbia in slaughtering and/or cutting up poultry for distribution as carcasses or parts thereof solely for distribution within such jurisdiction, from such provisions of this Act as he deems appropriate, while still protecting the public from adulterated or misbranded products, under such conditions, including sanitary requirements, as he shall prescribe to effectuate the purposes of this Act.

"(3) No exemption under subparagraph (1) (A) or (B) or subparagraph (2) shall apply to any poultry producer or other person who slaughters or processes the products of more than 4,000 turkeys or an equivalent number of poultry of all species in the current calendar year (4.5 birds of other species being deemed the equivalent of one turkey).

"(d) The adulteration and misbranding provisions of this Act, other than the requirement of the inspection legend, shall apply to articles which are exempted from inspection under this section, except as otherwise specified under paragraphs (a) and (c)."

Mr. MONTOYA. Mr. President, the committee very unwisely adopted an amendment which not only undercuts the effectiveness of the new provisions to the Poultry Products Inspection Act which we are presently considering, but

also undermines the existing Federal poultry inspection program, and would render meaningless all of the countless man-hours that went into the adoption of the Wholesome Meat Act of last year.

Mr. President, the bill we have before us contains provisions which would amend both the Poultry Products Inspection Act and the Wholesome Meat Act to permit the movement in interstate commerce of both meat and poultry products processed under State inspection at any establishment in a State under requirements which the Secretary determines are at least equal to those under the Federal act. In addition, such products may be brought into and used in a federally inspected establishment.

Subsection 5(c) (5) of S. 2932, provides in substance that poultry products processed under State inspection at any establishment in any State not made subject to Federal inspection under requirements at least equal to those provided for Federal inspection would be eligible for distribution in interstate commerce, the same as poultry products receiving Federal inspection.

The House considered a similar provision and wisely voted to delete it from the House-passed bill, H.R. 16363. Consumer group, industry organizations, and labor unions, all opposed this provision in testimony before the Livestock and Grains Subcommittee. They said it would endanger the present Federal inspection program and threaten the uniformity of inspection.

In testifying before the House Subcommittee on Livestock and Grains, Representative NEAL SMITH, who I understand was one of the authors and introducers of the bill, recommended deletion of this provision from H.R. 15146. I quote from his statement appearing in the House hearings on pages 2 and 3:

If left in the bill, this provision would permit nonfederally inspected poultry from plants in States which had qualified for Federal funds to be sold in interstate commerce. This provision is not in the Red Meat Act and I understand it was added to the poultry bill, as recommended by the Department, at the request of some State secretaries of agriculture.

When a State meets Federal standards and has an enforcement program at least equal to the Federal program they are removed from the list of States where intrastate plants will be federally inspected; however, they could become lax for several months before they can be placed back on the list. This is because section 5(c) (3) provides that reinstating Federal inspection shall only be after a 30-day notice and publication in the Federal register. By the time Federal inspection could be reinstated, millions of pounds of contaminated poultry products could have moved all over the United States or the world. The constant possibility that this would be occurring could hurt both our domestic and foreign markets for poultry.

If poultry from these plants were to move in interstate commerce, the very least that should be provided is a continuing review by Federal inspectors of the whole operations within the State and authority to reinstate Federal inspection instantly if the State fell below the Federal standards. That kind of provision, I think, would create such great friction when applied, and be so costly and disrupting, that it seems to me the added language should simply be eliminated.

Mr. President, I was heartened by the fact that the House had taken Representative SMITH's advice. Congressman SMITH, one of the proponents of a strong and effective meat inspection act last year did much to contribute to the excellent piece of legislation which finally became law. So he is not without qualifications to speak on the subject.

While this measure was before the House, another strongly consumer-oriented Representative, who likewise contributed to the success of the Wholesome Meat Act last year, Representative TOM FOLEY, of Washington, opposed this provision. In the House committee report, Representative FOLEY had this to say about the House decision to delete this provision:

The provision would have given a blank check to State programs which are untried—in fact, to ones which do not even exist right now. While these programs are to be "at least equal" to the Federal one, according to the bill, there are bound to be variations in actual practice. In fact, one large industry trade association warned the committee that if this provision were to stay in the bill, then firms must have to decide whether each of their individual plants which ship across State lines should be under Federal or State inspection.

On this point, during the hearings before the Senate Subcommittee on Agricultural Research and General Legislation, Mr. Vic Pringle, representing the Institute of American Poultry Industries, appeared to testify on this point. I might state for the RECORD, Mr. President, that the institute is a 40-year-old nonprofit national association, representing all segments of the poultry and egg industries. Its members process and market the major share of the Nation's chickens, turkeys, ducks, and other poultry. In addition, their membership includes producers, breeders, hatcherymen, and allied interests.

Mr. Pringle testified as follows, as shown on page 243 of the Senate hearings:

Nevertheless, if the committee should adopt a program which would provide for multi-inspection programs as provided by S. 2032, including the provisions of section 5(c)5 which permits interstate shipment, we believe it necessary for the bill to make it clear that a plant presently under Federal inspection, but located in a State which establishes a State system as provided in this bill, will have the election of operating under the State system if it so desires.

Mr. President, what we would have, as this testimony clearly points out,

would be competition between the Federal and the State programs and between the States themselves on which can attract more clients. Unscrupulous producers and processors would shop around for the States with the least rigid enforcement practices where they could establish plants free from the effective Federal inspection. The end result would be unwholesome and adulterated meat and poultry products flowing to every table in this country. This cannot be tolerated. If there is even one hint that this would be done, Congress would be remiss in even thinking about such a proposal as is now contained in S. 2932. The primary issue to which we must address ourselves to here today is consumer protection.

And, Mr. President, this would not be limited to poultry products. As I have already stated, the provision as contained in the bill adds section 20 to S. 2932 and would amend the Wholesome Meat Act to incorporate comparable provisions in that act.

Mr. President, in January of this year the U.S. Department of Agriculture did a survey of nonfederally inspected poultry plants. Reports were prepared jointly by the USDA and the States on conditions in nonfederally inspected plants. My staff prepared a summary of the kinds of situations these reports reflect. In addition, inspection personnel experienced in these matters were interviewed in order to be more precise as to the conditions actually found. I would like to relate to my colleagues some of the conditions which these reports revealed:

Only a few of the plants surveyed fully met minimum Federal sanitation requirements.

Approximately one-third need major changes, one-third minor changes, and one-third could be considered basically in compliance with the Poultry Products Inspection Act standards.

The sanitary conditions in many of the nonfederally inspected poultry plants were so bad that production of sanitary product was impossible.

Wood floors, cracked, leaking, and soaked with blood, meat juices, and water exuded a sour odor and could never be adequately cleaned. Many concrete floors were pitted, worn, and eroded so that pools of blood water were common in areas where food products were being processed. Many of the floor drains were untrapped with the result that sewer gas and other odors of decomposing meat

and blood were present in the processing rooms.

In many instances, windows and doors were not screened or kept closed with the result that flies could move freely from the filthy and decomposing poultry carcasses, feathers, and manure into the processing room where product was being prepared for food.

Accumulations of rubbish, junk, manure, and rotting chicken parts around the outside of the plant were infested with rodents which also had free access to move over tables, other equipment, and product when the plant was not in operation. It is well known that rodents always contaminate with urine and feces wherever they have access.

Because of inadequate ventilation and the crowding of operations, feces, dust, and feathers from live birds were present in the processing rooms and contaminating the poultry meat. Rough ceilings and moisture condensation on ceilings and walls resulted in the growth of mold and accumulation of dust, dirt, scaling paint, and other filth which was a constant source of contamination of product.

In many instances, there were no facilities for producing hot water or steam and it was obvious that the plant facilities had never been adequately cleaned. Picking rooms and equipment were unbelievably filthy and stinking with accumulation from months of operations never being completely removed.

In many cases, there were no handwashing facilities so that employees who used the toilet facilities were unable to wash their hands before handling product. Also soiling of the hands from feathers, feces, or diseased conditions, including pus and infectious materials could not be adequately removed from the employee's hands.

Poultry carcasses and meat were being cut up and handled on the tables and other equipment made of wood which was water and blood soaked. Thick accumulations of fat and meat juices, sour and decomposing were often seen on this equipment.

Mr. President, I ask unanimous consent to have some materials printed at this point in the RECORD listing conditions in intrastate plants that have been designated to State officials as endangering health.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

INTRASTATE PLANTS THAT HAVE BEEN DESIGNATED TO STATE OFFICIALS AS ENDANGERING PUBLIC HEALTH, FROM JAN. 1, 1968, TO JULY 26, 1968

State and address of plant	Type of operation	Reason for action	Followup action
Arizona: Casa Grande (included in 1962 survey).	Slaughtering	Failure to control insects and vermins. Lack of environmental sanitation. Insanitary handling of meat and meat byproducts.	Corrective inspectional procedure instituted.
Arizona: Mesa	do	Failure to control insects. Insanitary procedures used in manufacturing products. Lack of environmental sanitation.	Do.
Arizona: Tucson	do	Failure to control inedible and condemned products. Lack of environmental sanitation. Insanitary procedures used in manufacturing product.	Do.
Connecticut: Plainfield	do	Failure to control condemned, diseased carcasses which had been marked inspected and passed. Spoiled meat byproducts present in cooler.	Immediately closed by State officials.
Delaware: Dover	Slaughtering and processing	Nonpotable water (contaminated) being used in producing products for human consumption.	Closed by State program director.
Idaho: Coeur d'Alene	do	Failure to properly control inedible and condemned products.	Corrective inspection procedures Instituted by the State officials.

INTRASTATE PLANTS THAT HAVE BEEN DESIGNATED TO STATE OFFICIALS AS ENDANGERING PUBLIC HEALTH, FROM JAN. 1, 1968, TO JULY 26, 1968—Continued

State and address of plant	Type of operation	Reason for action	Followup action
Idaho: Kingston.....	Slaughtering and sausage processing.....	Improper control of condemned animals. Lack of proper environmental sanitation. Improper control of inedible and condemned products.	Corrective inspection procedures instituted by the State officials.
Idaho: Wallace.....	Wholesale slaughtering and processing.....	Lack of proper environmental sanitation. Lack of control of inedible and condemned. Insanitary procedures used in manufacturing product.	Do.
Idaho: Idaho Falls.....	Slaughtering and processing.....	Lack of proper environmental sanitation.....	Do.
Idaho: Rupert.....	do.....	do.....	Do.
Illinois: Alhambra.....	Slaughtering.....	do.....	A plant closed by State program director.
Michigan: Detroit.....	Processing.....	do.....	Corrective action taken by State officials. Subsequently the plant requested and was approved for Federal inspection.
Michigan: Richmond (included in 1967 survey).	Slaughtering and processing.....	Insanitary handling of product. Lack of proper environmental sanitation.	Closed by State officials.
Michigan: Iron River (included in 1967 survey).	do.....	Insanitary handling of product. Lack of environmental sanitation. Lack of control of inedible and condemned products.	State officials have instituted corrective inspectional procedures and have had the plant correct and change facilities and equipment to alleviate sanitary deficiencies.
New Hampshire: Goffstown.....	Slaughtering and retail store.....	Nonpotable water (contaminated) being used in producing products for human consumption.	Discontinued slaughter operations as a result of State corrective action. Source of water to retail operations converted to new source.
Nevada: Reno.....	Processing.....	Improper environmental sanitation.....	Plant closed temporarily to initiate a cleanup.
Nevada: Elko.....	Slaughtering and processing.....	Failure to control condemned and inedible products. Insanitary procedures used in manufacturing products.	Corrective inspectional procedures instituted by the State officials.
Nevada: Gardnerville.....	do.....	do.....	Do.
Nevada: Las Vegas.....	Processing.....	Improper environmental sanitation. Lack of control of condemned and inedible products.	Do.
Pennsylvania: Dalton.....	Slaughtering.....	Failure to properly control condemned product.....	State program director instituted corrective inspection procedures as well as providing increased supervision.
Pennsylvania: Johnstown (included in 1962 survey).	do.....	Improper environmental sanitation.....	Do.
Utah: Lehi.....	Processing.....	Lack of control of insects and vermins. Improper environmental sanitation. Insanitary handling of product.	Immediate corrective action was taken by the State officials and have increased inspection coverage.
Utah: Salt Lake City.....	do.....	Improper environmental sanitation. Insanitary handling of product.	Do.
Utah: Vernal.....	Slaughtering and processing.....	Lack of proper environmental sanitation.....	Corrective inspection procedures instituted by State officials. Inspection coverage has been increased.
Nebraska: Omaha.....	do.....	do.....	do.....
Puerto Rico: 8 plants.....	do.....	do.....	do.....
Texas: Terrell.....	Slaughtering and processing.....	do.....	do.....
Texas: Eagle Pass.....	do.....	do.....	do.....

Mr. MONTROYA. Mr. President, these are not examples from a science fiction novel. Neither are they citations from Upton Sinclair's book, "The Jungle," which was quoted so widely during the discussion on the Wholesome Meat Act last year. These are not examples of the conditions which existed in the red meat industry prior to passage of the Wholesome Meat Act. They are examples of the very conditions which are prevalent today—right this minute—in the nonfederally inspected plants of this country.

Plants were surveyed in the States of Alabama, California, Florida, Georgia, Louisiana, Mississippi, Missouri, North Carolina, Ohio, South Carolina, Texas, and Tennessee. Production in the surveyed plants ranged in volume from 50 to 500,000 birds per week.

Certainly poultry and poultry products prepared under these conditions are highly contaminated. They are so repulsive that should consumers of this Nation have any idea of the primitive conditions under which the product was prepared, they would never pick up another piece of poultry again except to chuck it out the back door for the vultures.

Mr. President, I cite these examples not as a condemnation of the poultry industry of this country for they have been very responsible in trying to enact a bill which would truly give the consumers of this Nation the protection from adulterated poultry products they deserve. The poultry industry of this country, in general, supports 100 percent the deletion of the provision which I seek to delete. I will cite specific endorsements on behalf of the industry in support of my efforts here today. However, I do cite these examples of the filthy conditions discovered within the nonfederally inspected

plants to illustrate the crying need to not only strengthen the State programs but to do all we can to see that Federal inspection is not diluted. My amendment would insure that the consumer is fully protected.

I know it will be argued that the provisions of this bill would not become fully operative until the State programs meet requirements which the Secretary of Agriculture determines are at least equal to those of the Federal program. To this I would say, Mr. President, let us look at the record of State laws today: Only 13 States have mandatory inspection for wholesomeness and of these only four have active programs; five States have mandatory inspection laws for spot check, sanitation, or general food laws; five States have voluntary inspection programs; two States have Federal-State agreements; one State could not even refer the Department of Agriculture officials to any one in the State house who could even answer the questions asked; and 24 States have no law other than spot check, health control, or general food law.

I am further informed by the Department of Agriculture that none of these would even begin to meet the Federal standards. After all these years and the States have failed to move to perfect their poultry inspection systems.

Let us assume for the sake of argument that one State did qualify and met all the Federal requirements both on paper and in practice. How would we the consumers know that that State did not revert back to its original loose laws? We would not unless we required continued costly surveillance on the part of the Secretary of Agriculture to insure that they did not slack off on their enforcement. And what could be done if a State qualified for interstate shipment

and then fell down in its enforcement or deleted its laws. Probably nothing.

Mr. President, I do not wish my remarks to be interpreted as a witch hunt against the State inspection systems. There is no one in this Chamber that has worked any harder than I to establish a truly Federal-State cooperative atmosphere. The Wholesome Meat Act of last year was in this vein. I struggled to preserve the Federal-State relationship by opposing complete federalization of the meat inspection program. And I might say I struggled successfully. The fruits of that struggle are now beginning to be felt. Again this year when we had before the committee legislation which would have completely federalized the poultry inspection system, I opposed them and insisted that we preserve our Federal-State system and give the States their due recognition.

However, by the same token, Mr. President, let us recognize where the true lines of division ought to be made. If we are to have a Federal-State system. Let us leave to the Federal Government that which is truly within their constitutional jurisdiction; namely, control over interstate commerce. And, let us leave to the States that which has been traditionally been left to their policing; namely, intrastate commerce.

This is a two-way street. If we are to protect against complete Federal infringement, then let us be as vigorous in our defense against State involvement in traditionally and constitutionally Federal domain.

Mr. President, I would like to read excerpts from a letter which was written by Mr. E. H. Flitton, vice president of one of our large meatpacking plants in this country, George A. Hormel & Co., to illustrate that what I say is not idle thinking. This is a letter dated July 12, 1968, and

addressed to the Honorable Harold LeVander, Governor of Minnesota. It reads as follows:

JULY 12, 1968.

HON. HAROLD LEVANDER,
Governor of Minnesota,
St. Paul, Minn.

MY DEAR GOVERNOR: I read with considerable interest the story in last Tuesday's paper about discussions held at the Midwest Governors' Conference regarding the new Federal Meat Inspection Act.

At this time, I cannot speak for your entire Advisory Committee; but, as one member representing the Hormel Company, would like to respectfully advise you of our position regarding any efforts to have the Federal government allow state inspected meat to ship in interstate commerce even though the state inspection Act, when it is hopefully passed, will meet with the approval of U.S.D.A. regulations for state meat inspection programs on a cooperative basis.

We think that this would be wrong in principle. Since Federal inspection is available upon application, we think that establishments desiring to ship interstate should be required to meet the higher Federal standards.

Our concern is that the state cooperative program will not be as stringent in regulating the smaller plants as the U.S.D.A. is in regulating plants who ship interstate. State inspection laws to be approved for implementation by the U.S.D.A. over all meat slaughtering and meat processing will require that Federal standards be met with respect to formulations but that Federal standards, with respect to facilities, will probably not have to be observed.

As we see it, the only reason that a plant wishing to ship on an interstate basis would not apply for Federal inspection would be to avoid spending the monies necessary to accommodate its facilities to the rigid standards required by the U.S.D.A. but not required by the state law.

If the state standards are adequate to protect the public health in interstate commerce, then it would seem that the higher Federal standards might be thought to be unnecessary. We believe that all of us who sell across state lines ought to play the game uniformly according to the same set of rules and regulations.

Since we now understand that your position and that of Commissioner Schwandt differ from ours on this issue, we wanted to respectfully express our views to you.

Cordially yours,

E. H. FLITTON.

Mr. President, I have gone on at length and I beg my colleagues indulgence for just a few more moments. However, I feel so strongly that our meat and poultry inspection systems will be eroded and consumer protection so adversely affected that I feel it incumbent to fight these particular provisions in the bill with every ounce of strength I can muster.

Mr. President, it has come to my attention that the major meat processors have underway major construction changes, including alteration, remodeling, and modernization in their existing intrastate processing plants. This as a result of the requirements of the Wholesome Meat Act. The result of such updating will be better consumer protection and will in the end be to the credit of the industry. However, should the provisions which I seek to delete be permitted to remain in the bill, the tendency of these plants will, I am informed, to forget about the modernization of their plants until they see what the States are going to do. If they feel they can operate

within a State without updating their plants and still qualify for shipping in interstate commerce, then their modernizing plans, which is costing them money, will be disposed of in the wastebasket. The end result will be that the consumer will suffer the consequences.

It is important to note, too, that we are talking about a multibillion-dollar industry. The industry itself supports my position for they recognize that otherwise they would be exposed to sheer confusion. There would be variations in the provisions of the laws from State to State and between the State and the Federal programs. The eventual cost to the industry to operate under such a variation of laws would be crippling. This in turn would be crippling to our economy. I emphasize, Mr. President, this is no simple proposition with which we are toying here today.

Not only would the industry itself be confused, but think of the effect on the poor consumer. When the consumer went to purchase meat or poultry, she would not know whether that product was processed in the best of sanitary conditions or in the worst. She would be confused, hurt, and downright frustrated.

Mr. President, in closing, I would like to insert for the record a number of endorsements of my efforts as well as a number of other materials which I think should clarify for our colleagues as to what groups are supporting my position. I think it will become clear that apparently only one group stands behind the attempts to keep these undesirable amendments in the bill.

As I have stated before, the poultry industry as a whole wishes me every success. I referred earlier to the Institute of American Poultry Industries, a 40-year-old, nonprofit national association, representing all segments of the poultry and egg industries, has testified in support of deleting the very section which I seek to delete. Their testimony before the Senate Committee may be found on pages 240-248 of the hearings. I quote from their testimony on page 243, when referring to the House action in deleting a similar provision from the House-passed bill:

We commend the House for leaving out that provision in its bill, H.R. 16363.

Their representatives have also been by to see me personally and express their support.

I have a telegram from the National Broiler Council, the national organization which represents the broiler producers of this Nation, which I read into the RECORD:

WASHINGTON, D.C.,
July 26, 1968.

Senator JOSEPH M. MONTOKA,
Senate Office Building,
Washington, D.C.:

Strongly urge you support passage of poultry inspection bill with Montoya amendments on exemptions and deleting section 5-C-5 so that only chicken from federally inspected plants could move in interstate commerce.

FRANK FRAZIER,
Executive Vice President, National
Broiler Council.

I have a letter from Mr. Andrew J. Biemiller, director, Department of Legislation, American Federation of Labor

and Congress of Industrial Organizations, urging Senators to back my position. Mr. President, I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN FEDERATION OF LABOR
AND CONGRESS OF INDUSTRIAL
ORGANIZATIONS,

Washington, D.C.

DEAR SENATOR: The AFL-CIO strongly supports strong, effective poultry inspection legislation. As you know, the AFL-CIO wholeheartedly supported the meat inspection law enacted in the 1967 session of the 90th Congress.

Unfortunately, three changes made by the Senate Agriculture Committee in the House-passed poultry inspection bill, H.R. 16363, would seriously undermine and weaken vital consumer protection programs. They would even jeopardize the existing meat and poultry inspection program and they would make the proposed poultry inspection program worse than ineffective.

One change would require an impossible burden of proof for condemnation of unfit poultry products.

A second change—weakening both meat and poultry inspection programs—would undermine present federal inspection by permitting state-inspected plants to ship poultry products into interstate commerce.

A third change widens an unfortunate exemption in the House-passed bill to allow millions of pounds of poultry to go into intra-state and interstate commerce without any inspection for wholesomeness and sanitation.

We urge you to oppose these three provisions. Without these three amendments, the bill approved by the Senate Agriculture Committee will protect consumers effectively, but if these amendments are kept, the new poultry inspection bill would be a big step backward and would seriously harm consumers.

Sincerely yours,

ANDREW J. BIEMILLER,
Director, Department of Legislation.

Mr. MONTOKA. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a letter of support from Mr. Thomas J. Lloyd, international president, and Mr. Patrick E. Gorman, international secretary-treasurer, Amalgamated Meat Cutters & Butcher Workmen of North America. This, as you know, Mr. President, is the union representing those individuals employed in the industry which would be affected by this bill.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMALGAMATED MEAT CUTTERS &
BUTCHER WORKMEN OF NORTH
AMERICA,

Chicago, Ill., July 24, 1968.

HON. EDMUND S. MUSKIE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MUSKIE: The federal meat and poultry inspection programs are now in great jeopardy because of some amendments which the Senate Agriculture Committee added to the House-passed poultry inspection bill. Instead of simply increasing consumer protection, H.R. 16363, as amended, would actually curtail the consumer-protective effectiveness of the present federal poultry and meat inspection programs.

One amendment would require that condemnation of unfit poultry "must be supported by substantial scientific fact" that the bird "is injurious for human consumption."

As a result, an inspector would probably have to approve cancerous poultry because "substantial scientific fact" does not exist that the poultry cancer can be transmitted to humans. Or he could not condemn birds containing fecal matter or other filth because there is no "substantial scientific fact" that it "is injurious for human consumption."

Another amendment would permit poultry and meat which was inspected by a state program to be shipped into interstate commerce. As a result, the present federal meat and poultry inspection system would have to compete with the less rigorous state programs for plants to inspect. Eventually, the state and federal programs would have to bid on the basis of who would provide the more lenient inspection.

Congress has gone as far as it can in the legislation to provide that the state programs be "at least equal" to the federal one. But that hardly means that the state programs would provide equally effective regulations and enforcement in every aspect of inspection. There certainly will be variations from state to state and between states and the federal program depending upon the political situation in each state.

A third amendment increases an unfortunate exemption already contained in the House bill. Under this provision, plants shipping tens of millions of pounds of poultry annually into intra-state and inter-state commerce would be exempted not only from inspection for wholesomeness, but also from any sort of sanitation control.

We respectfully urge that you oppose these three provisions. If they are kept in the bill, then H.R. 16363 will be extremely harmful to consumers—instead of increasing protection for them. We repeat: these provisions would damage not only any new program, but would also hurt existing meat and poultry inspection.

Without these three amendments, the bill would be similar to the Wholesale Meat Act of 1967. It would be a strong, meaningful and effective addition to the consumer-protective legislation which the 90th Congress has written into law.

Very truly yours,

THOMAS J. LLOYD,
International President.

PATRICK E. GORMAN,
International Secretary-Treasurer.

Mr. MONTTOYA. Mr. Daniel S. Bedell, legislative representative, International Union, United Automobile, Aerospace & Agricultural Implement Workers of America, has expressed the support of his multimillion-member organization and I ask unanimous consent to have his letter made a part of the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA—UAW,

Washington, D.C., July 23, 1968.

Hon. JOSEPH M. MONTTOYA,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MONTTOYA: The Poultry Inspection bill, H.R. 16363, that has been under consideration by your Committee concerns a matter about which we are deeply concerned—that of giving the consumers complete confidence in the wholesomeness of all poultry and poultry products.

The areas of the bill which, in our opinion, would make this confidence less than valid would be the impossible requirement of proof for condemnation; allowing poultry products to be shipped in interstate commerce from inadequate inspected state plants, and the permitting of poultry to be

shipped from plants that do not conform to the Federal Whole and Sanitary Inspection requirement.

Your consideration of the consumer's protection in these three areas is urgently requested.

Sincerely,

DANIEL S. BEDELL,
Legislative Representative.

Mr. MONTTOYA. Mr. President, throughout my statement I made references to the widely acclaimed Wholesome Meat Act which we enacted last year. Probably no individuals had more to do with the successful passage of that measure than Congressman GRAHAM PURCELL of Texas, Congressman NEAL SMITH of Iowa, and Congressman THOMAS S. FOLEY of Washington. Again this year, they have combined forces in introducing the Wholesome Poultry Products Act. Their expertise in this field is second to none. They know the pitfalls, the strengths, the weaknesses of this measure. Because of their personal knowledge of conditions in the poultry industry and their own contributions, I was greatly pleased to learn of their support of position also. Again, Mr. President, I ask unanimous consent that a letter of support, bearing all three signatures which they have sent to my colleagues, be made a part of the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JULY 27, 1968.

DEAR SENATOR: We fear that an amendment added to the House-passed Poultry Inspection Bill by the Senate Agriculture Committee would seriously weaken the Wholesome Meat Act of 1967 and we would like to advance some reasons for your consideration. The amendment referred to would permit state-inspected meat and poultry to move in interstate commerce.

At present, only federally inspected meat and poultry may be sold in interstate commerce. Under the Wholesome Meat Act of 1967, as well as the new Poultry Inspection Bill, the States are given a minimum of at least two years to bring their inspection programs up to Federal standards; otherwise, the Federal inspection programs will apply to all plants in the State, including those which do not sell outside the State.

As a practical matter, these State programs may not always measure up in all respects to Federal standards, and when a state legislation fails to appropriate enough funds for inspectors or inspectors for any reason become less effective, it may take several months to correct the situation. These more politically vulnerable State inspectors also may not condemn labeling or the mixing of large portions of fillers. The Committee amendment would permit these plants under law inspections to ship all over the United States. This would be unfair to U.S. inspected plants which ship interstate to the same market. It could result in promises of accommodating inspections to meat plants which will relocate and provide more pressure upon State legislatures for under-funding of State inspection systems.

A consumer could not keep adequately informed as to which plants in certain States were really up to Federal standards and, since foreign meat must meet Federal Standards at all times, he may conclude that the only thing to do is buy only imported meat.

Any way one looks at it, we believe it would seriously undermine the Wholesome Meat Act we passed last year.

We understand the National Broiler Coun-

cil is opposed to this amendment, and that many of the legitimate packers and processors oppose the amendment and fear that it would result in a lack of confidence in meat products and a loss of markets. We also understand that when S. 2932 comes to the Floor, Senator Montoya with bi-partisan co-sponsors will offer an amendment to strike the Committee amendment. As sponsors in the House of both the Wholesome Meat Act and the Poultry Bill, we sincerely hope you will consider the reasons we have set forth above and support Senator Montoya's motion.

Sincerely,

GRAHAM PURCELL,
Member of Congress from Texas.
NEAL SMITH,
Member of Congress from Iowa.
THOMAS S. FOLEY,
Member of Congress from Washington.

Mr. MONTTOYA. Mr. President, I also ask unanimous consent to have inserted at this point in the RECORD, a news release, dated July 10, 1968, from the Office of the Special Assistant to the President for Consumer Affairs, voicing the support of that office of my position.

There being no objection, the news release was ordered to be printed in the RECORD, as follows:

BETTY FURNESS ATTACKS AMENDMENTS
TO POULTRY BILL

Betty Furness today attacked several new Senate amendments to the poultry inspection bill as "very unfortunate provisions that can do nothing but harm to the consumer."

The Special Assistant to the President for Consumer Affairs said amendments attached by the Senate Agriculture Committee could "seriously impair the effectiveness of both the new poultry legislation and the Meat Inspection Act passed last year."

"American consumers need, deserve and demand strong and effective inspection procedures for the food they consume," Miss Furness said. "If the Senate amendments are written into law it will become very difficult to insure that such procedures will be applied to meat and poultry."

"If the new amendments are enacted," she said, "States with meat and poultry inspection programs that appear to equal the Federal poultry program and the Federal meat program will be able to ship their products anywhere in the country without the Federal stamp."

"States will be competing with each other to attract meat and poultry packers and a very ready form of competition could be the lowering of inspection standards. All poultry and meat that enter into interstate commerce should continue to be Federally inspected."

"There is danger," the President's consumer advisor said, "that the whole Federal food inspection program will be undermined if these amendments stand. I think that would be an error of the very first order."

Miss Furness also attacked other Senate-drafted amendments to the poultry bill. One, she said would "require that poultry inspectors be supported by 'substantial scientific fact' before they can condemn the birds they inspect. Such scientific fact is almost impossible to come by in many cases of defects that render birds unfit for human consumption. Inspectors have neither the time nor the facilities to furnish scientific data on every carcass that ought to be condemned."

"And, if the new amendments are enacted, the Secretary of Agriculture will no longer have the authority to require identifying labels on all nonconsumer packaged carcasses shipped in bulk in interstate commerce. The absence of those labels raises the strong possibility that birds not intended

or fit for human consumption will find their way to family tables."

"Last year," Miss Furness said, "this very consumer-conscious Congress enacted one of the most effective food inspection laws in the history of consumer protection. The Wholesome Meat Act will go a very long way toward insuring the cleanliness and healthfulness of all the meat sold in America."

"I think the poultry inspection act should be patterned after that bill. If it is not, I think there is danger that the meat law will be seriously, even dangerously, undermined. If flying foodstuff doesn't have to undergo rigorous inspection, then why should walking foodstuff?"

"The public is under the impression," Miss Furness said, "that the poultry legislation now being fashioned in Congress is designed for their benefit, that it will provide them with the protection they need. It is labeled a consumer bill and widely touted as that."

"But pure poultry in the title of a bill is not quite as good as pure poultry on the table. The only way we can insure that all the fowl—like all meat—consumed in this country is clean and wholesome will be through strong inspection laws. I hope the Senate will restore that strength by deleting these new amendments."

Mr. MONTROYA. The news media, too, has not been remiss on this subject. Representative of the various news accounts of this endeavor and of the problems involved with these particular provisions in the bill, is an article appearing in the Des Moines, Iowa, Register on July 23, 1968, entitled, "Undercutting Meat Inspection." I ask unanimous consent that this be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Des Moines (Iowa) Register, July 23, 1968]

UNDERCUTTING MEAT INSPECTION

The Senate Agriculture Committee last week approved a desirable poultry inspection plan but, in the process, it okayed a proposal which could wring the strength from the existing Federal meat inspection program.

The poultry bill, like last year's Wholesome Meat Act, would cover intrastate sales. States which don't meet federal standards in three years would receive federal inspections.

The hooker in the committee-approved version of the bill provides that when a state meets federal inspection requirements, state-inspected plants also could sell interstate. At present interstate shipments have to be federally inspected. Of even greater significance, the committee went back into the red meat act and there, too, would allow state-inspected plants to ship interstate.

On the surface, this might seem to make little difference as long as state inspectors meet federal standards.

Below the surface, however, this makes no sense and would seriously weaken the consumer protection sought in both the poultry proposal and the meat inspection law.

For 60 years there has been a federal meat inspection program, and for some 15 years there has been a poultry inspection system. Federal inspectors have checked the purity of 87 per cent of the poultry—that sold interstate—75 per cent of all slaughtered meat and 85 per cent of all processed meat.

The nation long has accepted the view that assuring the wholesomeness of meat shipped interstate is a federal responsibility. There are sound reasons for this.

The proposed change would present major meat processors with as many as 51 different inspection systems to choose from—50 state and the federal programs. States might compete for new meat plant locations with promises of accommodating inspections.

The change would be apt to create 50 continuing disputes over whether a state's inspections truly met federal standards. In the past, state agriculture departments have been appallingly lax in their inspection programs—which is why a federal remedy has been demanded by consumers. State legislatures consistently have under-funded state inspection operations.

These same handicaps are likely to persist. The outlook then would be one of marginal state inspection systems, struggling to comply with federal requirements, and bitter disagreements over whether they have succeeded. The consumer would be the loser, as some states and some processors would try to get by as cheaply as possible.

The change is supported by state secretaries of agriculture, who were aroused last year by stories showing they hadn't been doing their jobs, and by small independent meat packers who would rather take their chances with closer-to-home and more politically vulnerable state inspectors.

It is opposed by consumer spokesmen, including Representative Neal Smith (Dem., Ia.), a sponsor of the poultry bill. "It is horrifying to contemplate the possible dismantlement of the federal inspection system," writes Nick Kotz, Register reporter who won this year's Pulitzer Prize for exposing unsanitary meat handling conditions and lax state inspections.

The House voted down an identical change before approving the poultry inspection bill. Before the measure is passed, either the full Senate or House-Senate conferees should insist on plucking this harmful change from the bill.

Mr. MONTROYA. The cattlemen of this country, also, have voiced their opinion, Mr. President. On yesterday evening, I received a personal call from Mr. C. W. McMillan, president of the National Cattlemen's Association, informing me that the cattlemen of this Nation want complete consumer protection and therefore support me in attempting to remove this damaging provision from the bill. He has authorized me to so state for the record.

Every segment of the industry has endorsed my efforts. These include those already mentioned as well as the National Turkey Federation and others. Last, Mr. President, much has been made over just where does the U.S. Department of Agriculture stand on this issue of allowing interstate shipment of State-inspected meat and poultry products. Part of the alleged confusion revolves around a letter of April 18, 1968, to Senator ELLENDER as chairman of the Committee on Agriculture and Forestry, from Mr. Rodney E. Leonard, Administrator, Consumer and Marketing Service, U.S. Department of Agriculture. I would like to read that letter for the RECORD and for the enlightenment of our colleagues.

It reads as follows:

U.S. DEPARTMENT OF AGRICULTURE,
CONSUMER AND MARKETING SERVICE,
Washington, D.C., April 18, 1968.

Hon. ALLEN J. ELLENDER,
Chairman, Committee on Agriculture and Forestry, U.S. Senate.

DEAR MR. CHAIRMAN: Mr. Harker Stanton asked us to express the Department's views on Senator Holland's proposed amendment to S. 2932—"To clarify and otherwise amend the Poultry Products Inspection Act to provide for cooperation with appropriate State

agencies with respect to State poultry products inspection programs, and for other purposes."

Mr. Holland's proposal would amend the Federal Meat Inspection Act to provide the basis for State inspected meats to move in interstate commerce when the State inspection system is equal to the Federal program.

We believe this proposal is a reasonable and logical approach to meaningful Federal-State accomplishments of the responsibility to provide all consumers with a wholesome meat supply. However, it must be recognized that at this point in time, there exists a substantial "body" of negative confidence toward taking this direction.

We feel the first goal should involve demonstrating the development of meaningful programs under both the Meat and Poultry Products Inspection Acts before proceeding further. We intend to support such an amendment when we are in a position to demonstrate State programs are, in fact, functioning as provided for by the Wholesome Meat Act.

Sincerely yours,

RODNEY E. LEONARD,
Administrator.

Mr. President, to me, this letter was rather explicit. I will reread the last paragraph which reads as follows:

We (the Department) feel the first goal should involve demonstrating the development of meaningful programs under both the Meat and Poultry Products Inspection Acts before proceeding further. We intend to support such an amendment when we are in a position to demonstrate State programs are, in fact, functioning as provided for by the Wholesome Meat Act.

As I stated, to me, this was quite clear that Mr. Leonard was stating that the Department would not support such an amendment as was adopted by the committee at this time.

However, there apparently was justifiable confusion on the part of others as a result of this letter and other testimony presented and statements made by other Department witnesses. Things apparently were so confusing to some, that the committee report states on page 12:

The committee adopted Senator HOLLAND's amendment, believing as does the Department that it is manifestly reasonable and logical.

This statement in the committee report could not have been more wrong.

I personally asked Secretary of Agriculture Freeman to relate to me on black and white just what the Department's position on the Holland amendment was. Yesterday, July 26, I received the following letter from the Secretary and I read it now for the RECORD:

DEPARTMENT OF AGRICULTURE,
Washington, D.C. July 26, 1968.

Hon. JOSEPH M. MONTROYA,
U.S. Senate.

DEAR SENATOR MONTROYA: The Holland amendments to the Wholesome Poultry Products Act now being considered by the Senate, would permit interstate shipment of State-inspected meat and poultry after that State's inspection program had been certified as being at least equal to Federal inspection standards.

No State inspection system has been so certified yet, and it does not appear likely that any will be in the immediate future.

The Congress in future sessions will have ample opportunity—and more information on which to base a decision—to consider fully the question of whether the States should perform inspection responsibilities now carried out by the Federal Government.

The immediate goal is to develop a legislative framework and the program structure to achieve uniformity of inspection, whether it is performed by the Federal Government or by the States. I am opposed to including the provisions which would allow meat and poultry inspected under State programs to move in interstate commerce as part of the Wholesome Poultry Products Act.

Sincerely yours,

ORVILLE L. FREEMAN.

If there was confusion as to the Department's position before, there should certainly be no confusion now. I will repeat the Secretary's last sentence:

I am opposed to including the provisions which would allow meat and poultry inspected under State programs to move in interstate commerce as part of the Wholesome Poultry Products Act.

How much more direct can a position be stated? The Department stands squarely against the Holland amendment and in support of the Montoya amendment.

In summary, Mr. President, the provisions of the Holland amendment would endanger the present Federal inspection programs with respect to both poultry and meat products and threaten the uniformity of inspection at a time when the records before the committees of Congress with respect to both of these areas indicate the need for substantial accomplishments under Federal and State cooperation before it can be expected that full protection of the consumer public with respect to all poultry and meat products can be achieved. Few States presently have any type of inspection program with respect to poultry and those few that do fall far short of being at least equal to the Federal program.

The cooperative program provided under the Wholesome Meat Act is in its infancy and it is too early to anticipate attainment of the end objective thereof which certainly is a prerequisite to any serious consideration of provisions such as those here referred to.

It is true that both the meat inspection law and the proposed poultry inspection legislation call for State programs which are at least equal to the Federal inspection. But these provisions will not mean that State programs will be as totally effective as the Federal one in every aspect. There will be variations in the provisions and in the enforcement from State to State and between the State and Federal programs. The result will be confusion in the industry and confusion of the part of the consumer.

Taking such congressional actions now, while many plants are making preparations to meet the new requirements and many States are changing their inspection programs, can only sow confusion and doubt about how rigorous and how meaningful a consumer-protection program Congress really wants.

Mr. President, I believe it is central to our discussion here, to note that any plant shipping into interstate commerce can get Federal inspection free of charge right now providing it meets the requirements. There is no reason to begin a competition between the Federal and the State programs on which can attract more clients. There is no need to encourage weak enforcement in order to entice plants into a State.

I wish only to add that this is not an effort on our part in offering this amendment here today, to seek to delete provisions we know nothing about. Not only am I a member of the Agriculture and Forestry Committee, but so are Senator MONDALE, Senator McGOVERN, and Senator HATFIELD, who join me in this effort. I have heard concern expressed in this Chamber during recent days that Senators not even familiar with the subject matter take to the floor to propose amendments that effect the nature of the bill under consideration. This is not the case today. I am a committee member and I am joined by other committee members in trying to bring to your attention the damaging action which was so casually taken in committee.

Mr. President, on behalf of myself, Senator MONDALE, Senator McGOVERN, and Senator CLARK, I will now discuss our amendment No. 910 which is at the desk.

The committee amended section 14 of S. 2932, which amends section 15 of the Poultry Products Inspection Act, by providing in subsection (c) thereof for substantial exemptions from all provisions of the act to certain producers. Anyone raising their own poultry who does not slaughter or process more than 4,000 head of turkeys or equivalent number of birds of other species—on the ratio of 4½ to 1—would also be exempt from all provisions of the act. Also exempt would be any person engaged in the slaughter, processing, or selling of poultry the wholesale dressed value of which does not exceed \$15,000 in the current year.

As in the House-passed bill, these exemptions are limited to intrastate commerce, except in the case of producers who would be authorized to move their product in interstate commerce, to a household consumer, restaurant, boardinghouses, and similar establishments.

These provisions in subsection 15(c) (1) will undermine the intent of the legislation to increase the protection afforded consumers of poultry. By reason of the broad exemptions from all provisions of the act, they would constitute an open invitation for such enterprises to expose the consumers to the very things which we are attempting to protect them from. These enterprises would not be subject to sanitary requirements or inspection with respect to such requirements, the keeping of records or the making of records available, or requirements for labeling or identification of poultry products. As a result effectuating the purposes of the act in protecting the consumers or enforcing the provisions of the exemptions would be, if not impossible, extremely difficult and costly.

While it is recognized that a definite need may exist to exempt certain small operations from costly, impracticable, continuous inspection, any such exemption should be subject to such conditions as are necessary to insure full protection of the consumer public from adulterated or deceptively labeled product. The Secretary of Agriculture, subject to a statutory maximum limitation, should be vested with the authority to determine and establish the level of production under which exemptions should apply

and the safeguards which are necessary to protect the public and permit adequate enforcement of necessary conditions of the exemptions.

Mr. President, the substitute amendment which I have just sent to the desk is a logical approach to the problem of the small producer. This amendment proposed to do three things:

First. It gives the Secretary of Agriculture the authority to exempt intrastate operations from the provisions of the act if he determines that to do so is necessary and will not unduly expose the consumer to unwholesome poultry products.

Second. It places a maximum level of production over and above which the Secretary cannot exempt. This level of production would be 4,000 turkeys—or the equivalent number of birds of other species figured on the basis of 4.5 birds for every turkey. This follows the suggestions of Senator Aiken to state the level of exemption in terms of number of birds rather than dollar value. Translated into dollar value, we would be talking of approximately \$15,000 worth of birds—dressed value.

Third. It provides that even for those establishments which the Secretary exempts from the other provisions of the act, he must as a minimum require such sanitation requirements or other conditions as will protect the public from adulterated or misbranded products.

To summarize, then, Mr. President, my substitute amendment would grant the Secretary of Agriculture the authority to exempt those operations which process less than an equivalent of 4,000 turkeys in a calendar year. But these exemptions will be from only those provisions of the act which he feels will not subject the consumers of this Nation to adulterated poultry products. I believe this amendment is only fair and equitable. We have some operations which are too small to make it feasible and would be too costly to require them to meet all the conditions of the act. However, even these exempted establishments should be required to maintain a sanitary plant to protect our consumers. And, I think it is only logical that we limit the exemptions to small operations.

This amendment has been worked out with the concurrence of the Department of Agriculture. I have discussed it with the Senator from Vermont [Senator Aiken] who had amended the language in committee, and he is agreeable to this approach to the extent that he had an interest in it. I have also discussed this with other members of the committee.

I urge its support by Senators.

Mr. President, I urge all my colleagues to join me in expressing our support of strong, effective consumer protection.

Mr. HOLLAND. I shall read one paragraph for emphasis. Mr. Leonard is speaking for the Department with respect to this proposal. Referring to the Holland amendment, or the State amendment, or the Department amendment—call it what we will—he writes:

We believe this proposal is a reasonable and logical approach to meaningful Federal-State accomplishments of the responsibility to provide all consumers with a wholesome meat supply. However, it must be recognized

that at this point in time, there exists a substantial "body"—

For some reason, Mr. Leonard encloses the word "body" in quotation marks. I do not know what that may mean, but Senators can make up their own minds. I continue:

a substantial "body" of negative evidence toward taking this direction.

Then he concludes with a statement which shows the falling backward of the Department of Agriculture. Apparently the Department cannot withstand pressure from Miss Furness and Mr. Nader, and a few others. Mr. Leonard adds this final paragraph:

We feel the first goal should involve demonstrating the development of meaningful programs under both the Meat and Poultry Products Inspection Acts before proceeding further. We intend to support such an amendment when we are in a position to demonstrate State programs are, in fact, functioning as provided for by the Wholesome Meat Act.

I commend Mr. Leonard for saying that this is a reasonable and logical thing to do, following upon the passage of the Federal-State cooperative program of last year.

I also commend those who are urging the adoption of my amendment, which was supported in committee by, I believe, a vote of 10 to 2, by calling attention to the fact that we know, or thought we knew, what the attitude of the Secretary of Agriculture who is now serving was with respect to the amendment. We thought we knew what his enforcement officer felt about it. We have written statements from both of them. We do not know who will be the Secretary of Agriculture after January 20 next year. We do not know what changes may be expected as a result of the pressure from folks like Miss Furness and Mr. Nader.

A distinguished Senator whom I see in the Chamber at this time remarked a while ago that he did not think Mr. Nader knew any more about this question than he would know about the use of certain automobile parts or the making of butter, or something of that kind.

Mr. MONDALE. Mr. President, I warmly congratulate the distinguished Senator from New Mexico for continuing his brilliant struggle to defend the consumers and the ethical business leaders in the meat and poultry industry of this country.

I believe his leadership in developing the Wholesome Meat Act of 1967, and today, on the Senate floor, in pushing ahead the consumer protection in the poultry field as well, to prevent any retrogression in the efforts to protect the American consumer against the production, processing, and sale of unwholesome meat and poultry products, already mark his Senate career as a remarkable and effective one for the people of this country.

Senator MONTAÑA detailed fully and well, it seems to me, the situation that exists in terms of State inspection of meat and poultry products. It is not an encouraging picture. It is one which we hope will be corrected as time goes on, by the application of a Wholesome Meat Act of 1967. But the hope and the ful-

fillment of that hope are two separate matters. I believe these two matters are at the heart of the debate as we have heard it thus far, and as we will continue to hear it in the hours ahead.

The theory of the Wholesome Meat Act of 1967 is that States must establish inspection systems "at least equal" to the federal system or face the risk of having those systems taken over by the Federal inspection service and established according to the latter standards.

As Senator MONTAÑA has properly pointed out, the present situation in both meat and poultry at the State level is not encouraging. Very few States have systems which are even theoretically adequate to the task. Thus, we might ask ourselves how long it will be and how difficult it will be to achieve the objectives of the act we passed in 1967. If we do not achieve those objectives quickly and in a revolutionary fashion; if we permit, as is proposed by the Holland amendment, the interstate shipment of the production of meat or poultry products to consumers around this Nation, outside the Federal inspection system, the net effect may be to move us backward rather than ahead of where we were at the time the Wholesome Meat Act was passed. This Holland proposal would radically alter the system of Federal and State inspection in a way not contemplated by the Wholesome Meat Act by permitting access to interstate markets of the production of intrastate meat and poultry plants.

The Holland amendment has a fine theoretical ring to it. Access to interstate markets could not be permitted until the State systems were "at least equal" to the Federal system.

The problem is that practice may well be at wide variance with the theory. We do not know, and will not know for some time, what the effectiveness will be of the Wholesome Meat Act and the now-to-be-adopted Poultry Act. Until we have had actual experience, and until we know that the State inspection systems are in fact equal to the Federal system, we will risk the health and the purchasing power of the American consumer by the adoption of the Holland amendment.

U.S. statutes are replete with unachieved legislative objectives. We cannot be sure, however much we desire it, that we will achieve the Wholesome Meat Act objectives immediately, in light of the many obstacles that stand in their way, and questions we cannot now answer.

Will Congress appropriate sufficient funds for adequate supervision by the U.S. Department of Agriculture of over 50 separate inspection systems in this country and in the territories?

Will we have the funds to undertake the cost of such supervision?

Can we obtain the seasoned and trained inspectors to do the job?

It is a mammoth task, particularly in light of the present disarray and inadequacy of the State systems.

I would say that if the Wholesome Meat Act in 2 years achieves that revolution, it will probably be the most superbly successful act ever passed by Congress.

Representatives PURCELL, FOLEY, and SMITH, who have led the fight in the

House of Representatives for wholesome meat, prepared an excellent letter, dated July 25, 1968, which they sent to the Members of the U.S. Senate. I believe one paragraph is particularly pertinent on the point I am trying to make. They state:

As a practical matter, these States programs may not always measure up in all respects to Federal standards, and when a state legislature fails to appropriate funds for enough inspectors or inspectors for any reason become less effective, it may take several months to correct the situation. These more politically vulnerable State inspectors also may not condemn labeling or the mixing of large portions of fillers. The Committee amendment would permit these plants under lax inspections to ship all over the United States. This would be unfair to U.S. inspected plants which ship interstate to the same market. It could result in promises of accommodating inspections to meat plants which will relocate and provide more pressure upon State legislatures for under-funding of State inspection systems.

Mr. President, I ask unanimous consent that the letter from these three Members of the House of Representatives be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., July 25, 1968.

DEAR SENATOR: We fear that an amendment added to the House-passed Poultry Inspection Bill by the Senate Agriculture Committee would seriously weaken the Wholesome Meat Act of 1967 and we would like to advance some reasons for your consideration. The amendment referred to would permit state-inspected meat and poultry to move in interstate commerce.

At present, only federally inspected meat and poultry may be sold in interstate commerce. Under the Wholesome Meat Act of 1967, as well as the new Poultry Inspection Bill, the States are given a minimum of at least two years to bring their inspection programs up to Federal standards; otherwise, the Federal inspection programs will apply to all plants in the State, including those which do not sell outside the State.

As a practical matter, these State programs may not always measure up in all respects to Federal standards, and when a state legislature fails to appropriate funds for enough inspectors or inspectors for any reason become less effective, it may take several months to correct the situation. These more politically vulnerable State inspectors also may not condemn labeling or the mixing of large portions of fillers. The Committee amendment would permit these plants under lax inspections to ship all over the United States. This would be unfair to U.S. inspected plants which ship interstate to the same market. It could result in promises of accommodating inspections to meat plants which will relocate and provide more pressure upon State legislatures for under-funding of State inspection systems.

A consumer could not keep adequately informed as to which plants in certain States were really up to Federal standards and, since foreign meat must meet Federal standards at all times, he may conclude that the only thing to do is buy only imported meat.

Any way one looks at it, we believe it would seriously undermine the Wholesome Meat Act we passed last year.

We understand the National Broiler Council is opposed to this amendment, and that many of the legitimate packers and processors oppose the amendment and fear that it would result in a lack of confidence in meat

products and a loss of markets. We also understand that when S. 2932 comes to the Floor, Senator Montoya with bi-partisan co-sponsors will offer an amendment to strike the Committee amendment. As sponsors in the House of both the Wholesome Meat Act and the Poultry Bill, we sincerely hope you will consider the reasons we have set forth above and support Senator Montoya's motion.

Sincerely,

GRAHAM PURCELL,
NEAL SMITH,
THOMAS S. FOLEY,
Members of Congress.

Mr. MONDALE. Mr. President, in addition, we have the difficulty of the Department of Agriculture dealing with the sovereign States in the administration of their own inspection systems. It is obviously much more difficult and delicate than dealing with a particular plant. We do not yet know how difficult or how long it will be before we achieve the objectives of the Wholesome Meat Act.

Next, a plant having equal access to interstate markets under either system—that is, Federal or State—as proposed by the Holland amendment, could play one system off against the other. We have seen this practice before, and we have seen it abundantly under the present system. What are the possibilities for reducing inspection standards if the lure of national markets is available under either system?

In addition, when one asks why the Federal system has achieved what most would acknowledge to be the world's best inspection system, I believe one would have to conclude that it has been the department's power to exclude nonfederally inspected meat from interstate commerce that has been its chief asset.

In other words, in order to get access to a national market, a plant has had to subject itself to Federal inspection as a condition. This has been perhaps the chief contributing factor to the strength and vitality of this magnificent Federal inspection system. If we weaken the Federal inspection program, as proposed, we may find the net effect of the attempt of the 90th Congress to improve consumer protection in this field has been to worsen it.

Another feature of the proposed amendment should be considered. Bad as the State systems of inspection have been, the unwholesome products of those plants at least were limited to the consumers of the same State. Those products could not be marketed to States many thousands of miles away. At least it could be said that the consumers of that State had some hope of acquiring personal knowledge—however little it was—of which State plants were producing wholesome meat. Consumers had a small way of protecting themselves. Also, the consumers of that State could, as voters, resort to the political remedy of improved inspection methods. Under the proposed amendment, even this limited traditional consumer protection would disappear.

It is significant to note that under the Holland amendment, a new type, joint Federal-State inspection stamp is contemplated, one which would give to State production the Federal aura.

With this new Federal-State inspection stamp, the consumer in a foreign

State buying a product of a State under an inadequate State inspection system may be buying unwholesome meat, but the consumers would know nothing, and the voters of the State could do nothing because the products were from another State.

Finally, consumers would be lulled into a sense of false security as a result of false labeling. Under the Holland amendment, a State-inspected plant in State A could market unwholesome meat and unwholesome poultry products to the unsuspecting person in a State thousands of miles away. They could not possibly protect themselves or remedy the situation through their political power and protect themselves from the inadequate inspection system of the other State.

If the Wholesome Meat Act of 1967 fails to achieve its objective of State systems at least equal to the Federal system, the net effect of the Holland amendment would be to permit an increase in the profits of a plant in State A at the expense of the health and the purchasing power of citizens and consumers in State B.

Let us think for a moment about the interests of the industry. Plants which have come under the Federal inspection system have come under that system at great expense to themselves. It is costly to qualify according to Federal inspection standards. Internal inspection facilities, and other efforts must be undertaken which cost a great deal of money in order for a plant to qualify under the Federal inspection program, and obtain the prestige of the Federal inspection stamp.

Is it fair to permit a State-inspected plant which has not undergone these expenses, which has not exercised high standards, which could benefit by a substandard system of inspection, to cut costs and compete in interstate markets with plants meeting higher Federal standards?

We cannot underestimate the cost advantage such a plant would have. First, they could purchase meat which is substandard, diseased, and unwholesome. Second, they could process the meat in a dirty plant and save a substantial amount of money by operating an unsanitary plant. Next, they could use large amounts of cheap fillers that would reduce the cost to the plant and increase the cost to the consumer. Finally, they could gain a competitive advantage by resorting to false labeling practices.

Ralph Nader testified 2 years ago before the Committee on Agriculture and Forestry that in this country bad meat had become good business; and like Gresham's law, bad meat was driving out good meat, and the profits went to those who could escape the cost and high standards of the Federal system.

By eliminating inadequate plants, by restricting markets and limiting them to a single State, we close another advantage to those who wish to escape the high standards of the Federal inspection system.

What about reducing the cost of inspection standards? Plants, desperate to be competitive, will jump from one in-

spection system to another, always seeking that system which reduces their cost and gives the competitive advantage.

The argument for the proposal to permit access to interstate market for intrastate plants hangs on a doubtful and slim reed, namely, that the Wholesome Meat Act will revolutionize the whole system of State inspections and that this revolution will quickly take place. This is something we all hope will happen. However, we must all doubt that it all will happen quickly.

If our fears are justified, the Holland amendment could leave not only State systems in disarray, but go far toward destroying the fine Federal inspection system as well. Further, it would visit the cost of this deterioration on the consumer in terms of health hazards and reduced purchasing power. It could also visit on the highly ethical members of the industry competition that is unfair from plants able to cut costs because they are in a system which does not have the same standards.

Finally, I would ask: What is the rush? We have just passed the Wholesome Meat Act. The ink is barely dry. Why can we not wait a few years to determine if the act will work as well as we hope it will? Why can we not give time to see if it can establish itself to the point where we will have a fine system which is equal and adequate to serve the interests of the consumers of this country?

If there are any plants today which are intrastate and wish interstate markets, they can get those interstate markets by joining the Federal system. We do not deny a single competitor the opportunity to participate in national markets if they choose to do so.

Therefore, I support the Montoya amendment. I congratulate the Senator from New Mexico for proposing the amendment to the pending poultry inspection bill.

I do not wish to be misunderstood. I have enormous respect for the leadership of the Senator from Florida. I have enjoyed working with him over the years in the Committee on Agriculture and Forestry. I realize that what divides us here is a good-faith, honest difference of opinion. However, I do feel that the Holland amendment would seriously impair the effectiveness of the Wholesome Meat Act and the Poultry Act, which I hope we adopt. Further, it could have serious consequences for the consumers of the country.

I also wish to state at this time my support for Senator MONTTOYA's amendment to strike the condemnation section amendment suggested by the gentleman from Georgia.

Mr. MONTTOYA. Mr. President, will the Senator yield?

Mr. MONDALE. I am delighted to yield to the Senator from New Mexico.

Mr. MONTTOYA. Mr. President, I wish to commend the junior Senator from Minnesota for the avid interest he has shown in behalf of the consumers of this country. Last year he proved to be a very valuable ally to me in the presentation of the Red Meat Act which is now the law of the land. This year he has been most helpful in trying to articulate not only before this body, but also be-

fore other groups and with other individuals the need for consumer protection with respect to poultry.

I think his argument today has been most eloquent and very appropriate indeed, because he has brought out points which fortify the argument which I have made previously with respect to the need to delete the Holland amendment from the provisions of the bill. I wish to pay my greatest commendation to my good friend from Minnesota for the interest he has shown and the great contribution he has made with respect to this debate.

Mr. MONDALE. Mr. President, I am obviously very grateful to the Senator from New Mexico for those kind remarks. It seems to me he is unduly modest because he led the fight in the Senate for the Wholesome Meat Act, as he leads the fight today for strengthening the Poultry Inspection Act. I have great confidence that, as in the former case, he is going to be successful in the current matter. I think the issue in which we are now involved is important and significant, and I am most hopeful that the prediction I just made will be correct.

Mr. BYRD of Virginia. Mr. President, will the Senator yield?

Mr. MONTOYA. I yield.

Mr. BYRD of Virginia. Mr. President, I have listened with considerable interest to the lengthy debate this morning—I suppose I should add this afternoon as well, because it is now well into the afternoon—on the two subjects we have been discussing. One is the red meat inspection and the other deals with poultry.

In my brief comments, I should like to confine my remarks to the poultry proposal.

As I have listened to the debate, and as I understand the situation, the original proposal in regard to poultry was introduced by the distinguished Senator from Louisiana [Mr. ELLENDER] for himself and the distinguished Senator from New Mexico [Mr. MONTOYA].

As I gathered from the debate, and if I am in error about this I hope that I shall be corrected, the original proposal was submitted to the Congress and to the distinguished chairman of the committee by the Department of Agriculture.

Mr. HOLLAND. Mr. President, will the Senator from Virginia yield at that point?

Mr. BYRD of Virginia. I yield.

Mr. HOLLAND. I am glad the Senator has brought out that point. The proposal did come from the Department of Agriculture. The bill was introduced by the chairman of the committee, the Senator from Louisiana [Mr. ELLENDER]. He has already stated in debate that he carefully examined the bill before he introduced it and thought that its provisions were good and is still supporting them. It was introduced for himself and the Senator from New Mexico [Mr. MONTOYA]. This proposal, coming as a suggestion from the Department of Agriculture, was also transmitted to the House of Representatives, where it was introduced by Representative PURCELL, of Texas, for himself and others, and contained the same proposal, in substance—although I believe there was some change in wording—but there is no

question about it, the proposal is the same and came from the Department of Agriculture.

All this is in accordance with the commitments made in writing by the Secretary of Agriculture himself, before the introduction of these bills which, I shall show, when I have the opportunity to debate this matter; in accordance with the position taken by the Assistant Secretary of Agriculture in the hearings before the House committee, who supported this measure there; and in accordance with the recommendations of the head of the division which enforces both the Red Meat Act and the Poultry Act, which recommendation he stated not only to the Congress but also to the Independent Meat Packers of the Nation in a convention before these bills were introduced. I will be glad to bring these matters into the RECORD later. I thank the Senator for having brought this point into the RECORD at this time.

Mr. BYRD of Virginia. I am grateful to the distinguished Senator from Florida for bringing out in such detail a factual account of the introduction of this legislation.

It is an extremely important piece of legislation.

It is important to the consumers of the Nation and important to those involved in the poultry industry.

The more one learns about the proposal and the way it has been handled, the more confused he becomes.

I might say—well, I shall not say it exactly that way—I will say it a little differently—but before doing that, I want to read from the CONGRESSIONAL RECORD of July 22 part of the statement made by the distinguished Senator from Florida [Mr. HOLLAND] in which he points out that the Administrator of the Agriculture Department Consumer Marketing Service, Mr. Leonard, wrote the distinguished Senator from Louisiana [Mr. ELLENDER], chairman of the committee, that the Holland proposal is “a reasonable and logical approach to meaningful Federal-State accomplishments of the responsibility to provide all consumers with a wholesome meat supply.”

Mr. President, I understand that the Department of Agriculture, which prepared the bill, which had the essence of the Holland amendment in it as originally introduced, and which asked the chairman of the committee to introduce it, and other Senators became cosponsors of it, is now complaining about the proposal and is in opposition to it.

Mr. MONTOYA. Mr. President, will the Senator from Virginia yield at that point?

Mr. BYRD of Virginia. I yield.

Mr. MONTOYA. If the Senator from Virginia will read the last paragraph of the letter from which he has been quoting, Mr. Leonard stated:

We feel the first goal should involve demonstrating the development of meaningful programs under both the Meat and Poultry Products Inspection Acts before proceeding further. We intend to support such an amendment when we are in a position to demonstrate State programs are, in fact, functioning as provided for by the Wholesome Meat Act.

In addition to this, I would like to read a quotation from the latest letter which I have received, addressed to me by the Secretary of Agriculture, and which is already a part of the RECORD. I asked the Secretary to reply to me as to the Department's position on the Holland amendment.

Mr. BYRD of Virginia. If the Senator from New Mexico will yield briefly at that point, when we get into this business of the latest letters, it reminds of the meat inspection bill we had before the committee when, every few days, we received a different letter from the Department of Agriculture saying what they wanted.

Mr. MONTOYA. The Senator is correct. In fact, I had a little quarrel with the different voices speaking on a particular bill.

Mr. BYRD of Virginia. I remember that the Senator from New Mexico did. He was correct, too.

Mr. MONTOYA. I would like to quote from the Secretary's letter, Mr. President.

Mr. BYRD of Virginia. How does the Senator know it is good today? When was it written?

Mr. MONTOYA. July 26, 1968. I hope it will convince the Senator from Virginia. It convinces me as to the Department's position.

I quote from the latest letter to me, dated July 26, 1968, as follows:

The Holland amendments to the Wholesome Poultry Products Act now being considered by the Senate, would permit interstate shipment of State-inspected meat and poultry after that State's inspection program had been certified as being at least equal to Federal inspection standards.

No State inspection system has been so certified yet, and it does not appear likely that any will be in the immediate future.

The Congress in future sessions will have ample opportunity—and more information on which to base a decision—to consider fully the question of whether the States should perform inspection responsibilities now carried out by the Federal Government.

The immediate goal is to develop a legislative framework and the program structure to achieve uniformity of inspection, whether it is performed by the Federal Government or by the States. I am opposed to including the provisions which would allow meat and poultry inspected under State programs to move in interstate commerce as part of the Wholesome Poultry Products Act.

Sincerely yours,

ORVILLE L. FREEMAN.

Mr. BYRD of Virginia. If I may comment at that point—and I shall be brief and then yield the floor—that letter which the distinguished Senator from New Mexico has just read further dramatizes the point I started out to make a moment ago and then concluded to phrase it a little differently.

The point I am greatly concerned about is that the legislation was submitted to the committee, submitted to the chairman of the committee, with the request that it be introduced.

It was drawn by the Department of Agriculture. It contained in essence the Holland amendment. So the Department of Agriculture was thoroughly in sympathy with it when it asked the Mem-

bers of the Senate to introduce the legislation.

I was not a cosponsor of the piece of legislation involved. I am glad I am not, because we never know, from one day to the next, apparently, just what the people at the Department of Agriculture think or want the Members of the Senate to think.

The only thing I want to say, in concluding my remarks, is that it seems to me it is going to be very awkward for Members of the Senate to cooperate with the Department of Agriculture in getting through the Senate important legislation, when the Department submits one proposal, and then, when Senators are kind enough or cooperative enough, as the Senator from Louisiana [Mr. ELLENDER] was, and as the Senator from New Mexico [Mr. MONTOYA] was, to accept that proposal and introduce it in the Senate, the Department comes along and wants to kill it.

I feel that the Senator from Florida is on sound ground. His amendment does exactly what the Department of Agriculture said it wanted the Senate to do. So I am glad to stand side by side with the distinguished senior Senator from Florida in regard to this amendment.

Mr. HOLLAND. Mr. President, if the Senator will yield, first, I want to express my very great appreciation to the Senator from Virginia. I expected no less of him. Second, I want to make it clear that this doubletalk goes a good deal further than has been indicated in the colloquy. For example, Mr. Leonard, appearing as the Administrator of the wholesome meat program, in February of this year, before the Mid-Year Conference of the National Independent Meat Packers Association, was questioned on this very point as to the attitude of the Department of Agriculture with reference now to the Wholesome Meat Act and the amendment of it. I shall read from the printed copy of the proceedings at that time what the question put to him was and what his answer was. The question is found on page 2 of the printed transcript of those proceedings:

Question: Is it the intention of the Administration to seek an amendment to the Wholesome Meat Act to allow State-inspected establishments operating under a State system which has met the requirements of "at least equal to" under title III of the Wholesome Meat Act to engage in interstate commerce?

That question is very clear, and here is the answer of Mr. Leonard, speaking for the Department of Agriculture and as the responsible head of the Enforcement Division of that unit:

Answer: Yes, it is the intention of the Department of Agriculture to transmit a draft amendment to the Congress for passage this year.

That occurred in February of this year, on the occasion which I have mentioned.

Frankly, the Senator from Florida is even more puzzled than is the Senator from Virginia about the vacillation and the double talk—and I use the words "double talk" advisedly—which comes from the Department of Agriculture. The Senator from Florida has considerable responsibility in this field. He is the ranking majority member of the legislative Committee on Agriculture, on which

he is honored to serve with the distinguished Senator from Virginia and the distinguished Senator from New Mexico, under the chairmanship of our able chairman, the distinguished Senator from Louisiana.

Besides that, the Senator from Florida is chairman of the Appropriations Subcommittee which handles all appropriations for the Department of Agriculture.

The Senator from Florida cannot understand the trend which has become so manifest in this matter—and this, I am sorry to say, is not the only matter in which it has become clear—the tendency and trend of the Department to speak out of one side of its mouth today and out of the other side of its mouth tomorrow.

I am just serving notice now and here that the Senator from Florida is going to be much more cautious from here on out about accepting at face value the declarations of the Department of Agriculture, so long as it is operated as it is now.

I thank the Senator from Virginia for his able statement and for his support of my position.

Mr. BYRD of Virginia. Mr. President, the Senator from Florida has stated so ably the feeling of the Senator from Virginia. I want to cooperate with the Department of Agriculture.

I think the Senator from New Mexico and the Senator from Minnesota will agree that the Senator from Virginia cooperated fully in the hearings and the deliberations preceding the enactment of the Wholesome Meat Act.

At the request of the distinguished chairman of the committee, I chaired most of those hearings. I am very much interested in the subject of protecting the consumers. But what I find it very difficult to do is to deal with a department which submits one program and then, when that program is introduced for Senate consideration, comes down and attempts to cut the feet out from under those who have taken the responsibility for presenting such a program. I am not in that position, because I am not a copatron of this legislation, but other Senators are. I concur in the statement by the distinguished senior Senator from Florida that it is very difficult to cooperate with a department which acts in such a fashion.

Mr. President, I yield the floor.

Mr. HOLLAND and Mr. BYRD of West Virginia addressed the Chair.

Mr. HOLLAND. Mr. President, does the Chair recognize the Senator from Florida?

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. HOLLAND. I am glad to yield to the Senator from West Virginia.

Mr. BYRD of West Virginia. I thank the Senator.

HIGHER EDUCATION AMENDMENTS OF 1968

Mr. BYRD of West Virginia. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 3769.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill

(S. 3769) to amend the Higher Education Act of 1965, the National Defense Education Act of 1958, the National Vocational Student Loan Insurance Act of 1965, the Higher Education Facilities Act of 1963, and related acts, which was, strike out all after the enacting clause, and insert:

That this Act may be cited as the "Higher Education Amendments of 1968".

TITLE I—AMENDMENTS TO COMMUNITY SERVICE PROGRAM PROVISIONS

EXTENSION OF GRANT PROGRAM

SEC. 101. (a) The first sentence of section 101 of the Higher Education Act of 1965 as amended (1) by striking out "and" after "1966," and (2) by inserting before the period at the end of such sentence the following: " \$10,000,000 for the fiscal year ending June 30, 1969, and \$50,000,000 for the fiscal year ending June 30, 1970".

(b) The second sentence of such section is amended by striking out "1969 and the succeeding fiscal year" and inserting in lieu thereof "1971, and the two succeeding fiscal years".

(c) The second sentence of section 106(a) is amended by striking out "three succeeding fiscal years" and inserting in lieu thereof "six succeeding fiscal years".

MODIFICATION OF REQUIREMENT FOR COMPREHENSIVE COORDINATED AND STATEWIDE SYSTEM OF COMMUNITY SERVICE PROGRAMS

SEC. 102. Section 105(a) (2) of the Higher Education Act of 1965 is amended by inserting before the semicolon at the end thereof the following: "(except that if a comprehensive, coordinated, and statewide system of community service programs cannot be effectively carried out by reason of insufficient funds, the plan may set forth one or more proposals for community service programs in lieu of a comprehensive, coordinated, and statewide system of such programs)".

TITLE II—AMENDMENTS TO COLLEGE LIBRARY ASSISTANCE AND LIBRARY TRAINING AND RESEARCH PROGRAMS

PART A—COLLEGE LIBRARY RESOURCES

EXTENSION OF PROGRAM

SEC. 201. (a) The first sentence of section 201 of the Higher Education Act of 1965 is amended by inserting after "two succeeding fiscal years," the following: "\$25,000,000 for the fiscal year ending June 30, 1969, and \$35,000,000 for the fiscal year ending June 30, 1970".

(b) The second sentence of such section is amended by striking out "1969, and the succeeding fiscal year" and inserting in lieu thereof "1971, and the two succeeding fiscal years".

ELIGIBILITY OF BRANCH INSTITUTIONS FOR SUPPLEMENTAL AND SPECIAL PURPOSE GRANTS

SEC. 202. (a) (1) The first sentence of section 203(a) of such Act is amended by inserting after "institutions of higher education," the following: "(and to each branch of such institution which is located in a community different from that in which its parent institution is located)".

(2) The second sentence of such section is amended by inserting "(or branch)" after "institution".

(b) Section 204(a) (2) (A) of such Act is amended by inserting after "institutions of higher education" the following: "(or to branches of such institutions which are located in a community different from that in which the parent institution is located)".

(c) Section 204(a) (2) (B) of such Act is amended by inserting after "institutions of higher education" the following: "(or to such branches)".

REVISION OF MAINTENANCE-OF-EFFORT REQUIREMENT FOR SPECIAL PURPOSE GRANTS

SEC. 203. (a) Section 204(b) (2) of the Higher Education Act of 1965 is amended by

inserting after "June 30, 1965" the following: "or during the two fiscal years preceding the fiscal year for which the grant is requested, whichever is less".

(b) The amendment made by subsection (a) shall be effective with respect to applications for grants payable on or after the date of the enactment of this Act.

SEC. 204. (a) The first sentence of section 202 of the Higher Education Act of 1965 is amended (1) by striking out "and" and inserting in lieu thereof a comma, and (2) inserting after "such institutions" the following: ", and, in accordance with criteria prescribed by regulation, new institutions of higher education in the fiscal year preceding the first year in which students are to be enrolled".

(b) The amendments made by subsection (a) shall be effective with respect to appropriations for grants under title II of the Higher Education Act of 1965 for fiscal years beginning after June 30, 1969.

PART B—LIBRARY TRAINING AND RESEARCH, AND LIBRARY SCHOOL DEVELOPMENT

EXTENSION OF PROGRAM

SEC. 221. (a) The first sentence of section 221 of the Higher Education Act of 1965 is amended by inserting after "two succeeding fiscal years," the following: "\$11,800,000 for the fiscal year ending June 30, 1969, and \$28,000,000 for the fiscal year ending June 30, 1970,".

(b) The second sentence of such section is amended by striking out "1969, and the succeeding fiscal year" and inserting in lieu thereof "1971, and the two succeeding fiscal years".

AMENDMENTS TO LIBRARIANSHIP TRAINING PROVISIONS

SEC. 222. The second sentence of section 223(a) of the Higher Education Act of 1965 is amended—

(1) by striking out "to assist in covering the cost of courses of training or study for such persons, and" and inserting in lieu thereof "(1) to assist in covering the cost of courses or training or study (including short term or regular session institutes) for such persons, (2)"; and

(2) by inserting before the period at the end thereof the following: ", and (3) for establishing, developing, or expanding programs of library and information science".

PART C—STRENGTHENING COLLEGE AND RESEARCH LIBRARY RESOURCES THROUGH LIBRARY OF CONGRESS

EXTENSION OF PROGRAM

SEC. 231. (a) Section 231 of such Act is amended by striking out "and" after "1967," and by inserting after "1968," the following: "\$5,500,000 for the fiscal year ending June 30, 1969, and \$11,100,000 for the fiscal year ending June 30, 1970,".

(b) The second sentence of such section is amended by striking out "1969, and the succeeding fiscal year" and inserting in lieu thereof "1971, and the two succeeding fiscal years".

CLARIFYING AUTHORITY TO PURCHASE COPIES; INCREASING AUTHORITY TO PREPARE CATALOG AND BIBLIOGRAPHIC MATERIALS; AUTHORIZING LIBRARIAN TO ACT AS ACQUISITIONS AGENCY

SEC. 232. Section 231 of the Higher Education Act of 1965, as amended by section 231 of this Act, is further amended—

(1) in paragraph (1), by inserting "copies of" before "all";

(2) in paragraph (2), by striking out "for these materials promptly after receipt, and distributing bibliographic information" and inserting in lieu thereof "promptly and distributing this and other bibliographic information about library materials", and by striking out the period at the end thereof and inserting in lieu thereof "; and"; and

(3) by adding after paragraph (2) the following new paragraph:

"(3) enabling the Librarian of Congress to pay administrative costs of cooperative arrangements for acquiring library materials published outside of the States and not readily obtainable outside of the country of origin, for institutions of higher education or combinations thereof for library purposes, or for other public or private nonprofit research libraries."

TITLE III—EXTENSION OF DEVELOPING INSTITUTIONS PROGRAM

EXTENSION OF DEVELOPING INSTITUTIONS PROGRAM

SEC. 301. (a) Section 301(b)(1) of the Higher Education Act of 1965 is amended by striking out "and" after "1967," and by inserting after "1968," the following: "the sum of \$35,000,000 for the fiscal year ending June 30, 1969, and the sum of \$55,000,000 for the fiscal year ending June 30, 1970,".

(b) Such section is amended by adding at the end thereof the following new sentence: "For the fiscal year ending June 30, 1971, and the two succeeding fiscal years there may be appropriated to carry out the provisions of this title only such sums as the Congress may hereafter authorize by law."

TITLE IV—STUDENT ASSISTANCE

PART A—AMENDMENTS TO EDUCATIONAL OPPORTUNITY GRANT PROGRAM

EXTENSION OF EDUCATIONAL OPPORTUNITY GRANT PROGRAM

SEC. 401. Section 401(b) of the Higher Education Act of 1965 is amended—

(1) by striking out "two succeeding fiscal years" in the first sentence and inserting in lieu thereof "four succeeding fiscal years"; and

(2) by striking out "1969, and for the succeeding fiscal year" in the second sentence and inserting in lieu thereof "1971, and for the two succeeding fiscal years".

MAXIMUM AMOUNT OF EDUCATIONAL OPPORTUNITY GRANT; TREATMENT OF WORK-STUDY ASSISTANCE FOR MATCHING PURPOSES

SEC. 402. Effective July 1, 1968, the first sentence of section 402 of the Higher Education Act of 1965 is amended by striking out all that follows "which amount" and inserting in lieu thereof the following: "shall not exceed the lesser of \$1,000 or one-half of the sum of the amount of student financial aid (including assistance under this title, and including compensation paid under a work-study program assisted under part C of this title) provided such student by such institution and any assistance provided such student under any scholarship program established by a State or a private institution or organization, as determined in accordance with regulations of the Commissioner."

ELIMINATION OF STATE ALLOTMENT FORMULA

SEC. 403. Effective for fiscal years ending on or after June 30, 1970—

(1) Section 406 of the Higher Education Act of 1965 is repealed.

(2) Section 405 of such Act is amended to read as follows:

"ALLOTMENT OF FUNDS TO INSTITUTIONS

"SEC. 405. The Commissioner shall allot funds appropriated to carry out this part to institutions of higher education with which he has an agreement under section 407, in accordance with section 463 of this Act."

ADMINISTRATIVE EXPENSES

SEC. 404. Effective for fiscal years ending on or after June 30, 1970, part A of title IV of the Higher Education Act of 1965 is amended by inserting after section 405 the following new section:

"EXPENSES OF ADMINISTRATION

"SEC. 406. An institution of higher education which has entered into an agreement with the Commissioner under this part shall be entitled payment for administrative ex-

penses, in accordance with section 464 of this Act."

REVISION OF MAINTENANCE OF EFFORT PROVISION

SEC. 405. Effective for fiscal years ending on or after June 30, 1970, section 407(a)(4) of the Higher Education Act of 1965 is amended to read as follows:

"(4) provide that the institution will meet the requirements of section 465 of this Act (relating to maintenance of effort);".

AUTHORITY FOR INSTITUTION TO TRANSFER FUNDS TO WORK-STUDY PROGRAM

SEC. 406. Section 407 of the Higher Education Act of 1965 is amended by adding at the end thereof the following new subsection:

"(c) An institution which has in effect an agreement to carry out a work-study program under section 443 of this Act may use to carry out such work-study program any of the funds paid to it from sums appropriated under the first sentence of section 401(b) of this Act for the fiscal year ending June 30, 1969, and the succeeding fiscal years. The requirement in section 444(a)(6) of such Act shall apply to any funds used under the authority of this subsection for such purpose."

CONSOLIDATION AND REVISION OF TALENT SEARCH AND UPWARD BOUND PROGRAMS; SPECIAL SERVICES TO DISADVANTAGED STUDENTS IN INSTITUTIONS OF HIGHER EDUCATION

SEC. 407. (a) Section 408 of the Higher Education Act of 1965 is amended to read as follows:

"IDENTIFYING QUALIFIED LOW-INCOME STUDENTS, PREPARING THEM FOR POST-SECONDARY EDUCATION; SPECIAL SERVICES FOR SUCH STUDENTS IN INSTITUTIONS OF HIGHER EDUCATION

"SEC. 408. (a) To assist in achieving the objectives of this part the Commissioner is authorized (without regard to section 3709 of the Revised Statutes (41 U.S.C. 5)), to make grants to, or contracts with, institutions of higher education for the purposes of planning, developing, or carrying out one or more of the programs described in subsection (b).

"(b) The programs referred to in subsection (a) are—

"(1) programs designed to—

"(A) identify qualified youths of exceptional financial need and encourage them to complete secondary school and undertake post-secondary educational training.

"(B) publicize existing forms of student financial aid, including aid furnished under this title, and

"(C) encourage secondary-school or college dropouts of demonstrated aptitude to reenter educational programs, including post-secondary-school programs;

"(2) programs (A) which are designed to generate skills and motivation necessary for success in education beyond high school and (B) in which enrollees from low-income backgrounds and inadequate secondary-school preparation participate on a substantially full-time basis during all or part of the program; or

"(3) programs of remedial and other special services for students with academic potential who are enrolled or accepted for enrollment at the institution which is the beneficiary of the grant or contract, and who, by reason of deprived educational, cultural, or economic background, are in need of such services to assist them to initiate, continue, or resume their higher education.

"(c) (1) Programs under paragraph (2) of subsection (b) must include arrangements to assure cooperation among one or more institutions of higher education and one or more secondary schools. Such programs must include necessary health services. Enrollees in such programs may not receive stipends in excess of \$30 per month. The cost of carrying out any such program may not exceed \$150 per enrollee per month. Federal finan-

inserting after the second sentence of section 103 and after the first sentence of section 104 the following: "The amount allotted to any State under the preceding sentence for any fiscal year which is less than \$50,000 shall be increased to \$50,000, the total of increases thereby required being derived by proportionately reducing the amount allotted to each of the remaining States under the preceding sentence, but with such adjustments as may be necessary to prevent the allotment of any such remaining States from being thereby reduced to less than \$50,000."

(b) The amendments made by this section shall apply with respect to fiscal years ending on or after June 30, 1969.

TITLE XII—EDUCATION FOR THE PUBLIC SERVICE

TITLE

SEC. 1201. This title may be cited as the "Education for the Public Service Act".

PURPOSE

SEC. 1202. It is the purpose of this title to establish a program of grants and fellowships to improve the education of students attending institutions of higher education in preparation for entrance into the service of State, local, or Federal governments, and to attract such students to the public service.

PART A—GRANTS AND CONTRACTS TO STRENGTHEN AND IMPROVE EDUCATION FOR THE PUBLIC SERVICE

PROJECT GRANTS AND CONTRACTS

SEC. 1203. The Secretary of Health, Education, and Welfare (hereafter in this title referred to as the "Secretary") is authorized to make grants to or contracts with institutions of higher education, or combinations of such institutions, to assist them in planning, developing, strengthening, improving, or carrying out programs or projects (1) for the preparation of graduate or professional students to enter the public service or (2) for research into, or development or demonstration of, improved methods of education for the public service. Such grants or contracts may include payment of all or part of the cost of programs or projects for—

(A) planning for the development or expansion of graduate or professional programs to prepare students to enter the public service;

(B) training and retraining of faculty members;

(C) strengthening the public service aspects of courses or curriculums leading to a graduate or professional degree;

(D) conduct of short-term or regular session institutes for advanced study by persons engaged in, or preparing to engage in the preparation of students to enter the public service; and

(E) research into, and development of, methods of training students or faculty, including the preparation of teaching materials and the planning of curriculum.

The Secretary may also make grants to other public or private nonprofit agencies and organizations, including professional and scholarly associations, or contracts with public or private agencies or organizations, to carry out the purposes of this section when such grants or contracts will make an especially significant contribution to attaining the objectives of this section.

APPLICATION FOR GRANT OR CONTRACT; ALLOCATION OF GRANTS OR CONTRACTS

SEC. 1204. (a) A grant or contract authorized by this part may be made only upon application to the Secretary at such time or times and containing such information as he may prescribe, except that no such application shall be approved unless it—

(1) sets forth programs, activities, research, or development for which a grant is authorized under this part, and describes the relation thereof to any program set forth by the

applicant in an application, if any, submitted pursuant to part B;

(2) provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this section; and

(3) provides for making such reports, in such form and containing such information, as the Secretary may require to carry out his functions under this section, and for keeping such records and for affording such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports.

(b) The Secretary shall allocate grants or contracts under this part in such manner as will most nearly provide an equitable distribution of the grants or contracts throughout the United States among institutions of higher education which show promise of being able to use funds effectively for the purposes of this part, except that to the extent he deems proper in the national interest the Secretary may give preference to programs designed to meet an urgent national need.

(c) (1) Payments under this section may be used, in accordance with regulations of the Secretary, and subject to the terms and conditions set forth in an application approved under subsection (a), to pay part of the compensation of students employed in public service, other than public service as an employee in any branch of the Government of the United States, as part of a program for which a grant has been approved pursuant to this section.

(2) Departments and agencies of the United States are encouraged, to the extent consistent with efficient administration, to enter into arrangements with institutions of higher education for the full-time, part-time, or temporary employment, whether in the competitive or excepted service, of students enrolled in programs set forth in applications approved under subsection (a).

PART B—PUBLIC SERVICE FELLOWSHIPS

AWARD OF PUBLIC SERVICE FELLOWSHIPS

SEC. 1211. The Secretary is authorized to award fellowships in accordance with the provisions of this part for graduate or professional study for persons who plan to pursue a career in public service. Such fellowships shall be awarded for such periods as the Secretary may determine but not to exceed three academic years.

ALLOCATION OF FELLOWSHIPS

SEC. 1212. The Secretary shall allocate fellowships under this part among institutions of higher education with programs approved under the provisions of this part for the use of individuals accepted into such programs, in such manner and according to such plan as will insofar as practicable—

(1) provide an equitable distribution of such fellowships throughout the United States, except that to the extent he deems proper in the national interest the Secretary may give preference to programs designed to meet an urgent national need; and

(2) attract recent college graduates to pursue a career in public service.

APPROVAL OF PROGRAMS

SEC. 1213. The Secretary shall approve a graduate or professional program of an institution of higher education only upon application by the institution and only upon his findings—

(1) that such program has as a principal or significant objective the education of persons for the public service, or the education of persons in a profession or vocation for whose practitioners there is a significant and continuing need in the public service as determined by the Secretary after such consultation with other agencies as may be appropriate;

(2) that such program is in effect and of high quality, or can readily be put into

effect and may reasonably be expected to be of high quality;

(3) that the application describes the relation of such program to any program, activity, research, or development set forth by the applicant in an application, if any, submitted pursuant to part A; and

(4) that the application contains satisfactory assurance that (A) the institution will recommend to the Secretary, for the award of fellowships under this part, for study in such program, only persons of superior promise who have demonstrated to the satisfaction of the institution a serious intent to enter the public service upon completing the program, and (B) the institution will make reasonable continuing efforts to encourage recipients of fellowships under this part, enrolled in such program, to enter the public service upon completing the program.

STIPENDS

SEC. 1214. (a) The Secretary shall pay to persons awarded fellowships under this part such stipends (including such allowances for subsistence and other expenses for such persons and their dependents) as he may determine to be consistent with prevailing practices under comparable federally supported programs.

(b) The Secretary shall (in addition to the stipends paid to persons under subsection (a)) pay to the institution of higher education at which such person is pursuing his course of study such amount as the Commissioner may determine to be consistent with prevailing practices under comparable federally supported programs.

FELLOWSHIP CONDITIONS

SEC. 1215. A person awarded a fellowship under the provisions of this part shall continue to receive the payments provided in this part only during such periods as the Secretary finds that he is maintaining satisfactory proficiency and devoting full time to study or research in the field in which such fellowship was awarded in an institution of higher education, and is not engaging in gainful employment other than employments approved by the Secretary by or pursuant to regulation.

PART C—GENERAL PROVISIONS

DEFINITIONS

SEC. 1221. As used in this title—

(a) The term "State" means a State, Puerto Rico, the District of Columbia, the Canal Zone, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(b) The term "institution of higher education" means an educational institution in any State exclusive of an institution of any agency of the United States, which (1) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such certificate, (2) is legally authorized within such State to provide a program of education beyond secondary education, (3) provides an educational program for which it awards a bachelor's degree or provides not less than a two-year program which is acceptable for full credit toward such a degree, (4) is a public or other nonprofit institution, and (5) is accredited by a nationally recognized accrediting agency or association approved by the Secretary for this purpose. For purposes of this subsection, the Secretary shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of training offered.

(c) The term "public service" means service as an officer or employee in any branch of State, local, or Federal Government.

(d) The term "academic year" means an academic year or its equivalent, as determined by the Secretary.

(e) The term "nonprofit" as applied to an institution, agency, or organization,

means an institution, agency, or organization owned and operated by one or more corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

COORDINATION OF FEDERAL ASSISTANCE

Sec. 1222. In administering this title, the Secretary shall give primary emphasis to the assistance of programs and activities not otherwise assisted by the Department of Health, Education, and Welfare, or by other agencies of the Federal Government, so as to promote most effectively the title's objectives.

METHOD OF PAYMENT

Sec. 1223. Payments under this title may be made in installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

LIMITATION

Sec. 1224. No grant, contract, or fellowship shall be awarded under this title to, or for study at, a school or department of divinity. For the purposes of this section, the term "school or department of divinity" means an institution or department or branch of an institution whose program is specifically for the education of students to prepare them to become ministers of religion or to enter upon some other religious vocation or to prepare them to teach theological subjects.

UTILIZATION OF OTHER AGENCIES

Sec. 1225. In administering the provisions of this title, the Secretary is authorized to utilize the services and facilities of any agency of the Federal Government and of any other public or nonprofit agency or institution, on a reimbursable basis or otherwise in accordance with agreements between the Secretary and the head thereof.

FEDERAL CONTROL OF EDUCATION PROHIBITED

Sec. 1226. Nothing contained in this title shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution, or the selection of library resources by an educational institution, or over the content of any material developed or published under any program assisted pursuant to this title.

REPORT

Sec. 1227. The Secretary shall include in his annual report to the Congress, a report of activities of his Department under this title, including recommendations for needed revisions in the provisions thereof.

AUTHORIZATION OF APPROPRIATIONS

Sec. 1228. There are authorized to be appropriated \$500,000 for the fiscal year ending June 30, 1969, and \$15,000,000 for the fiscal year ending June 30, 1970, to carry out the purposes of this title. For the fiscal year ending June 30, 1971, and each of the two succeeding fiscal years, there may be appropriated to carry out the purposes of this title, only such sums as the Congress may hereafter authorize by law. Funds appropriated for the fiscal year ending June 30, 1969, shall be available for obligation pursuant to the provisions of this title during that year and the succeeding fiscal year.

TITLE XIII—MISCELLANEOUS

AGE QUOTAS IN YOUTH WORK AND TRAINING PROGRAMS

Sec. 1301. Section 124 of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following:

"(f) In the case of a program under section 123(a)(1), the Director shall not limit the number or percentage of the participants in the program who are fourteen or fifteen years of age."

ELIGIBILITY FOR STUDENT ASSISTANCE

Sec. 1302. (a) (1) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has, after the date of enactment of this Act, willfully refused to obey a lawful regulation or order of such institution and that such refusal was of a serious nature and contributed to the disruption of the administration of such institution, then the institution shall deny any further payment to, or for the benefit of, such individual under any of the following programs:

(A) The student loan program under title II of the National Defense Education Act of 1958.

(B) The educational opportunity grant program under part A of title IV of the Higher Education Act of 1965.

(C) The student loan insurance program under part B of title IV of the Higher Education Act of 1965.

(D) The college work-study program under part C of title IV of the Higher Education Act of 1965.

(E) Any fellowship program carried on under title II, III, or V of the Higher Education Act of 1965 or title IV or V, of the National Defense Education Act of 1958.

(2) Nothing in this subsection shall be construed to limit the freedom of any student to verbal expression for individual views or opinions.

(b) No loan, guarantee of a loan or grant under a program authorized or extended by this Act shall be awarded to any applicant within three years after he has been convicted by any court of record of any crime which was committed after the date of enactment of this Act, and which involved the use of (or assistance to others in the use of) force, trespass or the seizure of property under control of an institution of higher education to prevent officials or students at such an institution from engaging in their duties or pursuing their studies, by an institution or person having knowledge of such conviction.

Sec. 1303. No standard, rule, regulation, or requirement of general applicability prescribed for the administration of this Act or any Act amended by this Act may take effect (1) until 30 days after it is published in the Federal Register, and (2) unless interested persons are given an opportunity to participate in the formulation of such standard, rule, regulation, or requirement through the submission of views or arguments.

Mr. BYRD of West Virginia. Mr. President, I move that the Senate disagree to the House amendment, agree to the conference requested by the House, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. MORSE, Mr. YARBOROUGH, Mr. CLARK, Mr. RANDOLPH, Mr. WILLIAMS of New Jersey, Mr. NELSON, Mr. PROUTY, Mr. JAVITS, Mr. DOMINICK, and Mr. MURPHY conferees on the part of the Senate.

WHOLESOME POULTRY PRODUCTS ACT

The Senate resumed the consideration of the bill (S. 2932) to clarify and otherwise amend the Poultry Products Inspection Act, to provide for cooperation with appropriate State agencies with respect to State poultry products inspection programs, and for other purposes.

Mr. HOLLAND. Mr. President, as a preface to what I am about to say, I want to make it very clear that the Senator

from Florida has a very great interest in the Wholesome Meat Act. It was part of my responsibility last year to serve as chairman of the conference between the Senate and the House on that particular bill, and it was a long conference and a controversial one. I will let the RECORD of last year speak for itself as to what the Senator from New Mexico and the Senator from Minnesota both said at the time of the presentation of the conference report about what they regarded as the quality of the service rendered by the senior Senator from Florida in connection with that conference.

Both of them said, substantially, that the conference would not have been successful without some help from the Senator from Florida, and they went a great deal further in their statements. So I have a substantial interest in the maintenance of the Wholesome Meat Act.

Mr. MONTROYA. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. MONTROYA. I would like to restate here and now the great contribution the Senator from Florida made in trying to iron out the differences between both Houses on the Red Meat Inspection Act. I want to say today that the distinguished senior Senator from Florida has certainly been a great contributor to the particular legislation that is now before the Senate.

As I stated previously, while we disagree on his amendment, I do not mean, by any means, to impugn his motives or to detract from his earnest desires to protect the consumers of this country.

Mr. HOLLAND. I thank my distinguished friend for his very gracious statement.

Mr. President, I want the record, first, to show that this matter of cooperative inspection between the Federal Government and the State governments is not new. The great majority of the food products which move into interstate commerce are not inspected by Federal inspectors. I am referring now particularly to fruit products and vegetable products. The Senator from Florida knows something about what he is speaking of, because he introduced in the Florida State Senate measures which provided higher standards of contents for Florida citrus than those required by the Federal law and regulation, and he knows that for a period of years, the Federal Inspection Service and the U.S. Department of Agriculture have been glad to accept and approve the production passed by the Florida Inspection Service in that very large field.

I understand the same thing is true with respect to the inspection of citrus fruits in California, under their State system; and I understand, also, from a direct statement made to me a few days ago by Mr. Leonard, the head of the division which enforces Federal inspection, that the same is true as to most fruits and vegetables—highly perishable crops—which move in interstate commerce, with perfect acceptance by the Federal Inspection Service and by customers and the trade in far distant States.

Mr. President, there is no reason for any Senator to try to make it appear that this is something new, because it is not. It has been the customary procedure for many years as to many edible products, and particularly many perishable edible products.

My second point, Mr. President, is this: We have been moving, in Congress, toward an extension of that cooperative practice between the Federal Government and the States. Several years ago the Congress passed the so-called Aiken-Talmadge bill, which encourages the Department of Agriculture to build up cooperative inspection services with the various States. There is no hint on the part of anyone who introduced or supported that legislation that we are trying to cut down the quality of the products that are handled under State inspection. On the contrary, we are simply trying to recognize the facts, and the facts are that in many cases, the State standards are superior to the Federal standards generally imposed by Federal regulation, but under Federal law giving authority to the Department of Agriculture to make regulations.

Mr. President, last year when we had before us the Wholesome Meat Act, every emphasis was placed upon the creation of a cooperative inspection service. The testimony in the RECORD will show that. The conflict between the bill introduced by the Senator from New Mexico and the bill introduced by other Senators who wanted this whole field put under exclusive Federal handling will show that. The arguments on the floor will show that. The arguments in conference will show that, and the contents of the bill finally passed will show that. We were trying to set up a cooperative State-Federal system of inspection services, and to greatly improve the standard of inspection of the red meats which were covered by that bill, not only in interstate commerce, but in many States where, as the Senator from New Mexico has correctly stated, there were no inspection services, or no adequate inspection services.

The emphasis was on cooperation and a cooperative service. But there was not included anything specifically saying that, after full acceptance of the State laws and standards and State enforcement by the Federal Government those products could move freely in interstate commerce. There was indication of it, because in that bill it was stated that up to 50 percent of the cost of the inspection may be met by the Federal Government. Mr. President, what possible sense would there be in saddling on the Federal Government 50 percent of the cost, unless we were trying to avoid duplication and trying to bring about a condition under which State-inspected meats, under certain requirements already approved by the Department of Agriculture, and constantly checked—because the Secretary would have supervising inspectors in those States at all times—could move in interstate commerce?

So, Mr. President, the question came up, shortly after the adoption of the bill, Is it the intention of the Department to make this, in full, by the terms of the bill, a cooperative inspection service? The State secretaries of agriculture in

in the 50 States were greatly concerned over that question, because many of the States had inspection setups for meats, and all of them—or at least most of them—have inspection services for the products which they particularly produce and ship. So this became a dialog, beginning last December when the Wholesome Meat Act became operative, between the trade and the U.S. Department of Agriculture.

Mr. President, I have already read it into the RECORD, but for the purpose of having it included at this point, I wish to read once more, because I think it is important, the official statement made by the head of the Inspection Division of the Department of Agriculture, attending the convention, in February of this year, of the independent meatpackers of the Nation. We are talking now about red meats, and not about poultry.

The question asked of Mr. Leonard was:

Is it the intention of the administration to seek an amendment to the Wholesome Meat Act to allow State-inspected establishments operating under a State system which has met the requirements of "at least equal to" under title III of the Wholesome Meat Act to engage in interstate commerce?

His answer was:

Yes, it is the intention of the Department of Agriculture to transmit the draft amendment to the Congress for passage this year.

Mr. President, I do not care how much cavilling we have about the matter, this official pronouncement of the Department of Agriculture speaks for itself, and it was made in February of this year.

Later, Mr. President, there was correspondence between the president of the National Association of State Departments of Agriculture and the U.S. Secretary of Agriculture on this question. I have in my hand, and shall offer for the RECORD, a letter signed by Orville L. Freeman, on the stationery of the Department of Agriculture, dated March 4 of this year, addressed to Hon. Stanley T. Trenhaile, president of the National Association of State Departments of Agriculture, at Boise, Idaho. I understand that Mr. Trenhaile, whom I do not know personally, is the Commissioner of Agriculture of the State of Idaho.

The letter speaks for itself, and I ask unanimous consent that it be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF AGRICULTURE,
Washington, D.C., March 4, 1968.
HON. STANLEY T. TRENHAILE,
President, National Association of State
Departments of Agriculture, Boise,
Idaho

DEAR STAN: President Johnson has asked us to reply to your letter of February 6, 1968, concerning the resolution of the Board of Directors of the National Association of State Departments of Agriculture that was submitted to him.

We appreciated receiving your resolution on meat inspection and are always glad to have the benefit of the ideas and thoughts of the National Association of State Departments of Agriculture. We hope you will continue to contribute the results of your thinking to us.

Enclosed for your information is a copy of the Meat Inspection Notice that provides for the temporary handling of State inspected products in federally inspected plants. This action should alleviate much of the problem until cooperative agreements can be accomplished between Federal and State programs.

The resolution also supported an amendment to the Wholesome Meat Act which would allow State inspected products to move interstate when the law's requirement of "at least equal to" Federal standards is met by the State program. The Department of Agriculture poses no objections to such an amendment.

The Wholesome Meat Act really has but one goal—to assure every American consumer that all of the meat they purchase is healthful and wholesome. I am confident we can accomplish that goal by working together within the framework laid down by the Act.

Sincerely yours,

ORVILLE L. FREEMAN.

Mr. HOLLAND. Mr. President, I want to read specifically, though, for the RECORD one sentence out of the letter which relates to the same subject Mr. Leonard's statement in February covered.

The paragraph reads:

The resolution also supported an amendment to the Wholesome Meat Act which would allow State inspected products to move interstate when the law's requirement of "at least equal to" Federal standards is met by the State program. The Department of Agriculture poses no objection to such an amendment.

Mr. President, while Mr. Leonard was speaking for the Department, this statement is from the head of the Department, the Secretary of Agriculture. And it is a followup on the important dialog that was taking place between the Commissioners of Agriculture of the 50 States and the Department of Agriculture as to why when a State had been found to have a law at least equal to the Federal law and to have enforcement at least equal to the Federal enforcement—and I want to point out that such finding could be made by the Secretary of Agriculture himself and no other—products inspected under that State system ought not to have the right to move in interstate commerce.

Mr. President, it is very clear that the Department was committed to such an approach. They had a similar commitment with respect to the poultry bill. I want to make it very clear that they lived up to that commitment, because when they sent to the House of Representatives and to the Senate the legislation prepared by them to cover the poultry inspection field, they prepared legislation including a provision, not identical with, but substantially the same—there is no material difference at all—to the amendments offered by the Senator from Florida which are now sought to be stricken by the motion of the Senator from New Mexico. In effect, Mr. President, the Senator is seeking to strike his own amendment, because the amendment in substance was in the bill which he introduced in company with the Senator from Louisiana, the chairman of our committee, such bill having been an administration bill.

Mr. President, the State commissioners of agriculture asked the Senator from Florida if he would care to introduce the

amendment when it was found that the Senate subcommittee, due to pressure brought by such persons as Miss Furness and Mr. Nader—and they have both been referred to by the opponents of the amendment—had omitted the Department's original provision from the bill reported to the full committee.

I did not proceed in any idle manner. I first asked them what had been the attitude and what was the attitude of the Department of Agriculture. They sent me the copy of the letter from the Secretary to Mr. Trenhaile, which I have just had printed in the *RECORD*, showing that in March of this year the Secretary had advised the organization of the commissioners of agriculture of the 50 States by this letter, addressed to their chairman, that they would not object to such bill.

They also sent me this transcript of what had happened at the meeting of the Independent Meat Packers, and showing what Mr. Leonard had had to say about the bill.

Mr. President, I had considerable knowledge of this subject already, having served, as I have already said, as chairman of the conference committee last year, and with results that were not unsatisfactory, to say the least, to the Senator from New Mexico, the Senator from Minnesota, and others.

I knew that what was being attempted was the setting up of a cooperative service, and that is made particularly clear when we note the bill we passed last year and the poultry bill likewise provided that the Federal Government shall contribute to the support of the inspection service when the States have perfected their inspection service, and may contribute up to 50 percent of the total.

On this very question of participation, that matter came up at the conference of the Independent Meat Packers. The question was asked of Mr. Leonard in the following words:

The Wholesale Meat Act states that the amount of Federal funds to be used in a cost-sharing program "shall not exceed 50 percent of the estimated total cost of the cooperative program." Is the Federal Government prepared to pay the full 50 percent of this or does the phrase "shall not exceed 50 percent" bear some significance?

The answer of Mr. Leonard is:

The Federal Government is prepared to financially participate in the State program on a 50-50, equal basis.

Mr. President, as chairman of the Agricultural subcommittee which handles appropriations, I have been able to see what this means. Already this year, they have asked for very substantial increases of their appropriations for the payment of the costs of inspection and have justified it by saying that they have several States moving in the direction of complete cooperation and that they will be able to bring them under the cooperative service as supplying service at least equal to Federal inspection in the near future.

The subcommittee which I had the honor to head recommended a substantial increase of the appropriations for that reason.

The amendment which has been referred to repeatedly as the Holland

amendment—and I am very happy to have it so referred to—does not happen to be the Holland amendment at all. It came to me from the secretaries of agriculture of the 50 States in the Union, although I sent it to the legislative counsel, and had them check it over. And they made very minor changes. However, it came to me from them. And it came to the Senate originally when the bill was introduced this year, as to the poultry inspection service, in the form of an administration recommendation.

Mr. President, I am not going to argue about it. We can call it the Holland amendment. We can call it the amendment of the States, offered by the State commissioners of agriculture. We can call it the Department of Agriculture amendment. But the point I make is that this has not come out of the thin air. The report in the *Washington Post* of last week made it appear that it just came out of the thin air. It said it was a surprise amendment. To the contrary, the amendment had been in the bill originally considered by the subcommittee. It had been supported by a statement from Mr. Trenhaile, president of the National Association of State Commissioners of Agriculture.

That statement appears in the printed record of the committee hearings. And beyond that, I asked the distinguished chairman of our committee to get the present attitude of the Secretary of Agriculture before moving the adoption of the amendment. And that present attitude was given to us on April 28 through a letter signed by Rodney E. Leonard, Administrator of the Consumer and Marketing Service, USDA, addressed to our distinguished chairman, the Honorable ALLEN J. ELLENDER.

That letter has been talked about considerably in the debate already.

Mr. President, I ask unanimous consent that the letter be printed at this point in the *RECORD*.

There being no objection, the letter was ordered to be printed in the *RECORD*, as follows:

U.S. DEPARTMENT OF AGRICULTURE,
CONSUMER AND MARKETING SERVICE,

Washington, D.C., April 18, 1968.

HON. ALLEN J. ELLENDER,
Chairman, Committee on Agriculture and Forestry, U.S. Senate.

DEAR MR. CHAIRMAN: Mr. Harker Stanton asked us to express the Department's views on Senator Holland's proposed amendment to S. 2932, "To clarify and otherwise amend the Poultry Products Inspection Act to provide for cooperation with appropriate State agencies with respect to State poultry inspection programs, and for other purposes."

Mr. Holland's proposal would amend the Federal Meat Inspection Act to provide the basis for State inspected meats to move in interstate commerce when the State inspection system is equal to the Federal program.

We believe this proposal is a reasonable and logical approach to meaningful Federal-State accomplishments of the responsibility to provide all consumers with a wholesome meat supply. However, it must be recognized that at this point in time, there exists a substantial body of negative confidence toward taking this direction.

We feel the first goal should involve demonstrating the development of meaningful programs under both the Meat and Poultry Products Inspection Acts before proceeding further. We intend to support such an

amendment when we are in a position to demonstrate State programs are, in fact, functioning as provided for by the Wholesome Meat Act.

Sincerely yours,

RODNEY E. LEONARD,
Administrator.

Mr. HOLLAND. And that happens to be the case, because he has no background of special information in this field at all.

The addition we made to the inspection figures to assist in the enforcement of the Wholesome Meat Act was \$21,134,000. I thank the Senator from Louisiana for procuring those figures for me. I believe that in one House \$17 million was granted and in another House a sizeably greater amount, and the conference report states the final amount granted.

Mr. President (Mr. JORDAN of North Carolina in the chair), even in this great country, which so many people think is going bankrupt, the appropriation of an extra \$21 million to a wholesome cooperative cause is not meaningless. It means something. My own feeling is that that meaning is not fully accomplished unless the bills themselves state quite clearly that what we are trying to do is to build the cooperative system so that when that cooperative system exists, as declared by the Secretary of Agriculture—and he is the only one who can so declare—during such time as he says it continues to exist, under which the State program is at least equal to or better than the Federal program, the 50-50 contribution shall be made.

I should like to say many other things at this time, but I shall not weary the Members of the Senate—there are five of us present, including the Presiding Officer—to listen to the able arguments of the Senator from New Mexico and the Senator from Minnesota and the arguments—whatever they may be—of the Senator from Florida.

I invite attention to the fact that, just as in the Senate there was not complete agreement as to the elimination of this administration proposal, which they now call the Holland amendment—though the Senate Committee on Agriculture and Forestry voted 10 to two for the inclusion of that provision—so in the House there was objection to the elimination of this proposal.

I note such an expression in the additional views of Honorable Catherine May, from the State of Washington, which is included in the report of the committee that handled this matter in the House of Representatives. It is report No. 1333. Mrs. May is a housewife and has always been noted for her attempt to protect the housewives of the Nation and the consumers of the Nation, and I believe it is quite important to note that she happens to be the only member of that House committee who occupies such a favorable position. This is what she said:

The legislation as originally proposed by the administration and supported by the National Association of State Departments of Agriculture contained a provision (sec. 5(c)5 of H.R. 15146) permitting poultry processed under State inspection systems which are at least equal to the Federal program to

be shipped in interstate commerce with a combined State-Federal legend.—

In other words, the inspection would have to show that here is a product of a combined cooperative system—let us say, United States-Florida, United States-New Mexico, United States-Louisiana—

It is unfortunate that the majority of the committee saw fit to delete this provision.

In my view, this was a logical and sound provision, consistent with the intent of the legislation, and should have been retained in the final version of the bill approved by the committee. If the States are to be required to develop programs at least equal to the Federal program and plants selling only in intrastate commerce are to be required to meet standards equal to those provided in Federal law, then there appears to be no valid reason why the poultry inspected under those State programs should not be permitted to be shipped in interstate commerce, as well. If this legislation is enacted and effectively administered as presently written, there can be no qualitative difference between State poultry inspection programs and the Federal programs, so there could be no possible difference between the wholesomeness of poultry inspected under those State programs and poultry inspected by Federal inspectors.

Mr. President, I wish to pay my respects to Mrs. MAY. As already stated, I was chairman of that committee. She was a member of the conference. She was a very able and helpful member of the conference. I say now, in the presence of the distinguished Senator from New Mexico, that there were votes and times in that conference when, if her vote had been against the Wholesome Meat Act, that act could not have come out of conference, because we had determined opposition to the passage of that act from several members of the conference, as the Senator will realize. The split at times was such that there was just one vote apart.

I bring out this fact simply to make it clear that people who were interested in the Wholesome Meat Act last year—and that certainly includes Mrs. MAY and myself—and who rendered some service toward the passage of that act, feel that the reasonable and logical approach to the making of the wholesome meat inspection service a bona fide cooperative State-Federal inspection service needs this additional wording, needs this additional amendment in the act.

I could put many other things in the RECORD. For example, the Commissioner of Agriculture of my State was completely mortified when the report of the inspection of the plants in Florida came out and it stated that they inspected a couple of plants and found them far from wholesome. Actually, they inspected 12 plants and found 10 plants up to anybody's standard, anywhere, at any time; and they found two plants they could not completely approve. I think that would be the case if there were an inspection of a large number of plants now having the Federal Inspection Service.

I am constantly receiving complaints from plants who are under Federal inspection as to the fact that some inspector has come in and demanded something which has not been demanded by earlier inspectors, and that they are about to be cut off from their Federal

Inspection Service. I wanted to say that for the RECORD because we have a good inspection service. We must have a good inspection service. We entertain nearly 20 million visitors a year.

We have a decided responsibility and duty on our shoulders in our State to have a reasonable and a good inspection service.

I have already said that the Federal Government for many years before I came to the Senate 22 years ago has recognized and approved the Federal inspection service on citrus fruits. As a matter of fact, our service is under standards higher than Federal standards. I think our commissioner of agriculture had every right to complain. I want the RECORD to show he did complain and I want the RECORD to show he did not think the Department of Agriculture treated us fairly when, if one will read the report, they inspected only two plants. They did not use the word "only" but they did not comment that they had inspected 12 plants and gave complete approval to 10 plants and that it was only two plants in which they found something about which to complain.

Mr. Stanley I. Trenhaile is the president of the National Association of State Commissions of Agriculture and also the chairman of the National Advisory Commission for the Implementation of the Wholesome Meat Act. Under the provisions of that Act a national advisory commission was set up. I have a wire dated July 24 addressed to me from Mr. Trenhaile as chairman of the National Advisory Committee for the Implementation of the Wholesome Meat Act. I ask unanimous consent that the telegram from Mr. Trenhaile may be printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

WASHINGTON, D.C.

Hon. SPESSARD L. HOLLAND,
U.S. Senate,
Washington, D.C.:

The following telegram was sent this date to the Honorable Orville Freeman, Secretary of Agriculture:

"This is to reaffirm the recommendation emanating from the May 22 monthly meeting of your appointed 17-member National Meat Advisory Committee 'moved by Secretary Alampi, New Jersey seconded by Commissioner Conner, Florida, and carried that the full committee recommended to the Secretary of Agriculture through Rodney Leonard, Administrator, that legislation be proposed by the USDA that would permit the recognition of State plants and State meat inspected and duly certified by C and MS as having met all the requirements of the Wholesome Meat act be allowed free movement in interstate commerce'."

STANLEY I. TRENHAILE,
Chairman, National Advisory Committee
for the implementation of the whole-
some Meat Act.

Mr. HOLLAND. Mr. President, there is only one part of that telegram I wish to advert to, and that is that this 17-member committee of very distinguished agricultural experts was appointed by Mr. Freeman; and it calls his attention to the fact that they made this recommendation May 22 and that they reaffirm it now.

Mr. President, there has come to my

desk a release memorandum dated July 25, 1968, from John A. Killick, executive secretary of the Washington-based National Independent Meat Packers Association. I wish to call to the attention of the Senate one particular part of the release which states:

John A. Killick, Executive Secretary of the Washington-based National Independent Meat Packers Association, has given the Association's full support and backing to Sen. Spessard Holland (D-Fla.), sponsor of the amendment, in obtaining the right for state-inspected meat packers, operating in states which have been certified by the U.S. Department of Agriculture as having meat inspection systems "equal to" the Federal program, to sell their products across state lines. The Holland amendment to the poultry bill (H.R. 16363), now awaiting full Senate action, is applicable to red meats as well as poultry.

Mr. President, I ask unanimous consent to have the entire release printed in the RECORD at this point.

There being no objection, the release was ordered to be printed in the RECORD, as follows:

PACKER OFFICIAL OPPOSES DOUBLE INSPECTION
STANDARD

WASHINGTON, D.C.—A meat packing industry spokesman has labeled Betty Furness' opposition to a poultry bill amendment which has received the endorsement of the Senate Agriculture Committee as "illogical, specious and discriminatory. . . ."

John A. Killick, Executive Secretary of the Washington-based National Independent Meat Packers Association, has given the Association's full support and backing to Sen. Spessard Holland (D-Fla.), sponsor of the amendment, in obtaining the right for state-inspected meat packers, operating in states which have been certified by the U.S. Department of Agriculture as having meat inspection systems "equal to" the Federal program, to sell their products across state lines. The Holland amendment to the poultry bill (H.R. 16363), now awaiting full Senate action, is applicable to red meats as well as poultry.

"Miss Furness' opposition shows an abysmal lack of confidence in the present Secretary of Agriculture, who would be responsible for determining the adequacy, effectiveness and equality of a state inspection program, to certify a state program as meeting Federal standards. To deny the interstate movement of product to a packer whose state has standards equal to the Federal is outright discrimination since the Federal system affords such an opportunity to packers under its jurisdiction," Killick charged. "USDA officials repeatedly have insisted that two levels of inspection cannot be tolerated, and will not be permitted, and logic—particularly under the conditions which will prevail on December 15, 1969—supports this position," he said.

Mr. HOLLAND. Mr. President, who is against this proposal? We have had two or three packers quoted; and we have had broiler ranchers quoted, who were scared to death by propaganda which has gone to them. Part of that propaganda has come to me. I have nothing further to say about it except that it is part of the doubletalk emanating from the Department of Agriculture.

I think Members of the Senate and the House of Representatives have the right to expect different treatment from the Department of Agriculture. As far as the Senator from Florida is concerned, he restates his position. He is going to be very cautious in approving recommendations made by the Department of Agri-

culture from this time forward. He thinks he has a right, as a friend of agriculture who has frequently gone to bat, both in the legislative committee so ably headed by the Senator from Louisiana, and in the Appropriations Subcommittee, which he has the honor himself to head, in an effort to get things he thought were right to be done and which were requested by the Secretary of Agriculture, even though the other body at the other end of the Capitol had not seen the matter that way. He is going to be very cautious from this time forward in following such recommendations.

Mr. President, I thank the large assemblage of Senators who have waited to hear my desultory remarks on this very important subject. I yield the floor.

Mr. MONTROYA. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Spong in the chair). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM MONDAY, JULY 29, TO TUESDAY, JULY 30, 1968, AT 10 A.M.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business on Monday next, it adjourn until Tuesday at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 11 A.M., MONDAY, JULY 29, 1968

Mr. BYRD of West Virginia. Mr. President, if there be no further business to

come before the Senate, I move, in accordance with the previous order, that the Senate adjourn until 11 a.m., on Monday next.

The motion was agreed to; and (at 2 o'clock and 19 minutes p.m.) the Senate adjourned until Monday, July 29, 1968, at 11 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 27, 1968:

U.S. MARINE CORPS

Lt. Col. Haywood R. Smith, U.S. Marine Corps, for temporary appointment to the grade of colonel, to hold such grade while serving as Armed Forces aide to the President.

U.S. ARMY

The nominations beginning William C. Hunt, to be second lieutenant, and ending Robert L. Schmidt, to be second lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on July 17, 1968.

Calendar No. 1430

90TH CONGRESS
2^D SESSION

S. 2932

IN THE SENATE OF THE UNITED STATES

JULY 27, 1968

Ordered to lie on the table and to be printed

AMENDMENT

Intended to be proposed by Mr. MONTROYA (for himself, Mr. CLARK, Mr. HATFIELD, Mr. MCGOVERN, and Mr. MONDALE) to S. 2932, a bill to clarify and otherwise amend the Poultry Products Inspection Act, to provide for cooperation with appropriate State agencies with respect to State poultry products inspection programs, and for other purposes, viz: .

- 1 On page 46, after the period in line 15, strike out all
- 2 down through the period in line 18.

Amdt. No. 909

S. 2932

AMENDMENT

Intended to be proposed by Mr. MONTORA (for himself, Mr. CLARK, Mr. HATFIELD, Mr. McGOVERN, and Mr. MONDALE) to S. 2932, a bill to clarify and otherwise amend the Poultry Products Inspection Act, to provide for cooperation with appropriate State agencies with respect to State poultry products inspection programs, and for other purposes.

JULY 27, 1968

Ordered to lie on the table and to be printed

Calendar No. 1430

90TH CONGRESS
2D SESSION

S. 2932

IN THE SENATE OF THE UNITED STATES

JULY 27, 1968

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AMENDMENT

Intended to be proposed by Mr. MONTROYA (for himself, Mr. CLARK, Mr. HATFIELD, Mr. MCGOVERN, and Mr. MONDALE), to S. 2932, a bill to clarify and otherwise amend the Poultry Products Inspection Act, to provide for cooperation with respect to the State poultry products inspection programs, and for other purposes, viz: On page 77, beginning with line 3, strike out all down through line 15 on page 79, and insert in lieu thereof the following:

1 “(c) (1) The Secretary shall, by regulation and under
2 such conditions, including sanitary standards, practices, and
3 procedures, as he may prescribe, exempt from specific
4 provisions of this Act—

5 “(A) the slaughtering by any person of poultry of
6 his own raising, and the processing by him and transpor-
7 tation in commerce of the poultry products exclusively

1 for use by him and members of his household and his
2 nonpaying guests and employees;

3 “(B) the custom slaughter by any person of poul-
4 try delivered by the owner thereof for such slaughter,
5 and the processing by such slaughterer and transporta-
6 tion in commerce of the poultry products exclusively for
7 use, in the household of such owner, by him and mem-
8 bers of his household and his nonpaying guests and
9 employees: *Provided*, That such custom slaughterer
10 does not engage in the business of buying or selling any
11 poultry products capable of use as human food;

12 “(C) the slaughtering and processing of poultry
13 products in any State or Territory or the District of
14 Columbia by any poultry producer on his own premises
15 with respect to sound and healthy poultry raised on his
16 premises and the distribution by any person solely
17 within such jurisdiction of the poultry products derived
18 from such operations, if, in lieu of other labeling require-
19 ments, such poultry products are identified with the
20 name and address of such poultry producer, and if they
21 are not otherwise misbranded, and are sound, clean,
22 and fit for human food when so distributed; and

23 “(D) the slaughtering of sound and healthy poul-
24 try or the processing of poultry products of such poultry
25 in any State or territory or the District of Columbia by

1 any poultry producer or other person for distribution
2 by him solely within such jurisdiction directly to house-
3 hold consumers, restaurants, hotels, and boarding houses,
4 for use in their own dining rooms, or in the preparation
5 of meals for sales direct to consumers, if, in lieu of other
6 labeling requirements, such poultry products are identi-
7 fied with the name and address of the processor, and if
8 they are not otherwise misbranded and are sound, clean,
9 and fit for human food when distributed by such
10 processor.

11 The exemptions provided for in clauses (C) and (D) above
12 shall not apply if the poultry producer or other person en-
13 gages in the current calendar year in the business of buying
14 or selling any poultry or poultry products other than as speci-
15 fied in such clauses, or if the number of head of poultry pro-
16 cessed by him in the current calendar year exceeds such
17 limits as the Secretary may by regulation prescribe, con-
18 sistent with subparagraph (3), as appropriate to avoid a re-
19 quirement of inspection of processing operations of such a size
20 that the cost of furnishing inspection would be excessive in
21 relation to the volume processed or the rendering of inspec-
22 tion would otherwise be impracticable.

23 “(2) In addition to the specific exemptions provided
24 herein, the Secretary shall, when he determines that the
25 protection of consumers from adulterated or misbranded

1 poultry products will not be impaired by such action, provide
2 by regulation, consistent with subparagraph (3), for the
3 exemption of the operation and products of small enterprises
4 (including poultry producers), not exempted under sub-
5 paragraph (1), which are engaged in any State or Terri-
6 tory or the District of Columbia in slaughtering and/or
7 cutting up poultry for distribution as carcasses or parts
8 thereof solely for distribution within such jurisdiction, from
9 such provisions of this Act as he deems appropriate, while
10 still protecting the public from adulterated or misbranded
11 products, under such conditions, including sanitary require-
12 ments, as he shall prescribe to effectuate the purposes of
13 this Act.

14 “(3) No exemption under subparagraph (1) (A) or
15 (B) or subparagraph (2) shall apply to any poultry pro-
16 ducer or other person who slaughters or processes the prod-
17 ucts of more than 4,000 turkeys or an equivalent number of
18 poultry of all species in the current calendar year (4.5 birds
19 of other species being deemed the equivalent of one turkey).

20 “(d) The adulteration and misbranding provisions of
21 this Act, other than the requirement of the inspection legend,
22 shall apply to articles which are exempted from inspection
23 under this section, except as otherwise specified under
24 paragraphs (a) and (c).”

AMENDMENT

Intended to be proposed by Mr. MONTORA (for himself, Mr. CLARK, Mr. HATFIELD, Mr. McGOVERN, and Mr. MONDALE) to S. 2932, a bill to clarify and otherwise amend the Poultry Products Inspection Act, to provide for cooperation with respect to State poultry products inspection programs, and for other purposes.

JULY 27, 1968

Ordered to lie on the table and to be printed

S. 2932

IN THE SENATE OF THE UNITED STATES

JULY 27, 1968

Ordered to be printed

AMENDMENTS

Proposed by Mr. MONTROYA (for himself, Mr. CLARK, Mr. FONG, Mr. HATFIELD, Mr. MCGOVERN, and Mr. MONDALE) to S. 2932, a bill to clarify and otherwise amend the Poultry Products Inspection Act, to provide for cooperation with appropriate State agencies with respect to State poultry products inspection programs, and for other purposes, viz:

1 On page 63, beginning with line 7, strike out all down
2 through line 17.

3 On page 91, beginning with line 13, strike out all down
4 through line 13 on page 92.

5 On page 92, line 14, strike out "SEC. 21" and insert in
6 lieu thereof "SEC. 20".

7 On page 92, line 20, strike out "SEC. 22" and insert in
8 lieu thereof "SEC. 21".

Amdt. No. 911

Amdt. No. 911

Calendar No. 1430

**90TH CONGRESS
2D SESSION**

S. 2932

AMENDMENTS

Proposed by Mr. MONTROYA (for himself, Mr. CLARK, Mr. FONG, Mr. HATFIELD, Mr. McGOVERN, and Mr. MONDALE) to S. 2932, a bill to clarify and otherwise amend the Poultry Products Inspection Act, to provide for cooperation with appropriate State agencies with respect to State poultry products inspection programs, and for other purposes.

JULY 27, 1968

Ordered to be printed

Senate

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July 29, 1968

12. OCEANOGRAPHY. Agreed to without amendment S. Con. Res. 72, to express the sense of the Congress favoring an International Decade of Ocean Exploration during the 1970's. pp. S9663-4
13. BUILDINGS. Agreed to the conference report on S. 222, to insure that public buildings financed with Federal funds are so designed and constructed as to be accessible to the physically handicapped (p. S9685). This bill will now be sent to the President.
14. POULTRY. Passed, 73-0, with amendments H. R. 16363, to clarify and otherwise amend the Poultry Products Inspection Act, to provide for cooperation with appropriate State agencies with respect to State poultry products inspection programs (pp. S9704, S9656-7, S9627-38). Prior to this passage agreed to a motion to discharge the Agriculture and Forestry Committee from further consideration of the bill (p. S9637). Agreed to an amendment to substitute the language of S. 2932, as amended, a similar bill (pp. S9637-8). The substitute bill was amended as follows: To limit the Secretary's authority to grant wholesale exemptions from all provisions of the Act (p. S9628); to provide that when the USDA's grounds of condemnation are that the poultry is diseased, the reason for condemnation shall be supported by scientific fact (p. S9630); and (by a 52-19 vote) that poultry inspection laws should continue to limit State-inspected meat and poultry to intrastate movement (p. S9635). Conferees were appointed (p. S9638). House conferees have not been appointed. Agreed to a motion that S. 2932, a similar bill, be indefinitely postponed (p. S9638).
15. TAXATION. Sen. Proxmire explained his reasons for believing that the tax increase "could very possibly result in higher rather than lower prices." pp. S9647-8
16. CROP INSURANCE. Sen. Bayh commended USDA and FCIC for operating the crop insurance program "on such a business-like basis that all losses have been paid out of premium income over the last two decades." p. S9647
17. WORLD FOOD. Sen. Javits expressed concern about the "increasing" food needs of the world and stated we must take steps to export the techniques for developing new technology. pp. S9657-8
18. RURAL DEVELOPMENT. Sen. Javits commended the work of the Economic Development Adm. and stated its success "will help ease the burden on the cities and help revitalize the economies of the Nation's rural areas." p. S9656
19. FOREIGN AID. Began debate on H. R. 15263, the foreign aid authorization bill. pp. S9704-8
20. INTERGOVERNMENTAL COOPERATION. Passed as reported, S. 698, proposed Intergovernmental Cooperation Act of 1967 (pp. S9696-9604). The bill, as amended, contains nine titles, one setting forth necessary definitions, and each of the others dealing with an area of intergovernmental relations. Sen. Muskie summarized each of the titles (pp. S9703-4).

21. ROADS. Agreed to the conference report on S. 3418, the road authorization bill (pp. S9670-85). This bill will now be sent to the President.
22. APPROPRIATIONS. Passed as reported H. R. 17522, State, Justice, and Commerce, the Judiciary, and related agencies appropriation bill (pp. S9663, S9668, S9685-95). Senate conferees were appointed (p. S9695). House conferees have not been appointed.

EXTENSION OF REMARKS

23. FEDERAL AID. Rep. Findley inserted a partial list of the Federal loans, grants, and contracts in the 20th Congressional District of Ill. during the 90th Congress. pp. E7052-6
Rep. Smith inserted articles on the efforts of Rep. Roth to catalogue all the Federal assistance programs. pp. E7089-91
24. RECREATION. Rep. Pollock inserted an article on the great beauty of Alaska's scenery and its many national parks and monuments. pp. E7059-60
25. FARM PROGRAM. Rep. Madden stated that an extension of the farm bill of 1965 will endanger many of the programs administered by this Department. He alleged that over one-half of the annual budget for this Department is "for payments to cotton, feed grain, and wheat farmers for supposedly not growing these crops or as a substitute for depressed market conditions." p. E7068
26. ROADS. Rep. Ottinger inserted an editorial criticizing the proposed road authorization bill while Rep. Clausen praised the proposed bill. pp. E7072, E7087
27. REPORT. Rep. Dole inserted a summary of the work of the 90th Congress. p. E7082
28. HUNGER. Rep. Bingham spoke on the continuing death toll from starvation in Biafra. pp. E7083-4
29. CONSUMER LEGISLATION. Rep. Hamilton spoke in favor of consumer legislation and referred to the 90th Congress as the "Consumer Congress." p. E7092

BILLS INTRODUCED

30. TIMBER EXPORTS. H. R. 19017 by Rep. Baring, H. R. 19022 by Rep. May, H. R. 19026 by Rep. Foley and H. R. 19028 by Rep. Karth, to establish a quantity of unprocessed timber from certain Federal lands which may be sold for export during the calendar years 1968 through 1972; to Interior and Insular Affairs Committee.
31. EMPLOYMENT. S. 3937 by Sen. McCarthy, to assure to every American a full opportunity to have adequate employment, housing, and education, free from any discrimination on account of race, color, religion, or national origin; to Labor and Public Welfare Committee.

Senate

MONDAY, JULY 29, 1968

The Senate met at 11 a.m., and was called to order by the Acting President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

God of all mercies, in a violent day swept by angry forces with which unaided we cannot cope, Thou only art our strength and refuge, amid mortal ills prevailing.

Gird our hearts to seek peace and pursue it, that the sadly sundered family of mankind at last may be bound by golden cords of understanding fellowship around the feet of the one God.

We beseech Thee that our Nation's strength, material and spiritual, be dedicated to throw open the gates of more abundant life for all mankind.

Give us a part in bringing in a redeemed world, delivered from ruthless aggression which threatens the human gains of a thousand years.

We pledge our hopes, our faith, our lives, That freedom shall not die,

We pray Thy guidance, strength, and grace,

Almighty God on high.

Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Saturday, July 27, 1968, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

WAIVER OF CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE WHOLESOME POULTRY PRODUCTS ACT

The ACTING PRESIDENT pro tempore. Under the unanimous-consent agreement the Chair lays before the Senate the unfinished business, which will be stated.

The LEGISLATIVE CLERK. A bill (S. 2932) to clarify and otherwise amend the Poultry Products Inspection Act, to provide for cooperation with appropriate State agencies with respect to State poultry products inspection programs, and for other purposes.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, the time to be equally divided.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MONTTOYA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MONTTOYA. Mr. President, I yield myself 5 minutes.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico is recognized for 5 minutes.

AMENDMENT NO. 910

Mr. MONTTOYA. Mr. President, I ask unanimous consent that the pending amendment be laid aside and that the Senate proceed to the consideration of amendment No. 910.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears no objection, and it is so ordered.

The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. MONTTOYA. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered, and the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

On page 77, beginning with line 3, strike out all down through line 15 on page 79, and insert in lieu thereof the following:

"(c) (1) The Secretary shall, by regulation and under such conditions, including sanitary standards, practices, and procedures, as he may prescribe, exchange from specific provisions of this Act—

"(A) the slaughtering by any person of poultry of his own raising, and the processing by him and transportation in commerce of the poultry products exclusively for use by him and members of his household and his nonpaying guests and employees;

"(B) the custom slaughter by any person of poultry delivered by the owner thereof for such slaughter, and the processing by such slaughterer and transportation in commerce of the poultry products exclusively for use, in the household of such owner, by him and members of his household and his nonpaying guests and employees: *Provided*, That such custom slaughterer does not engage in the business of buying or selling any poultry products capable of use as human food;

"(C) the slaughtering and processing of poultry products in any State or Territory or the District of Columbia by any poultry producer on his own premises with respect to sound and healthy poultry raised on his premises and the distribution by any person solely within such jurisdiction of the poultry products derived from such operations, if, in lieu of other labeling requirements, such poultry products are identified with the name and address of such poultry producer, and if they are not otherwise misbranded,

and are sound, clean, and fit for human food when so distributed; and

"(D) the slaughtering of sound and healthy poultry or the processing of poultry products of such poultry in any State or territory or the District of Columbia by any poultry producer or other person for distribution by him solely within such jurisdiction directly to household consumers, restaurants, hotels, and boarding houses, for use in their own dining rooms, or in the preparation of meals for sales direct to consumers, if, in lieu of other labeling requirements, such poultry products are identified with the name and address of the processor, and if they are not otherwise misbranded and are sound, clean, and fit for human food when distributed by such processor.

The exemptions provided for in clauses (C) and (D) above shall not apply if the poultry producer or other person engages in the current calendar year in the business of buying or selling any poultry or poultry products other than as specified in such clauses, or if the number of head of poultry processed by him in the current calendar year exceeds such limits as the Secretary may by regulation prescribe, consistent with subparagraph (3), as appropriate to avoid a requirement of inspection of processing operations of such a size that the cost of furnishing inspection would be excessive in relation to the volume processed or the rendering of inspection would otherwise be impracticable.

"(2) In addition to the specific exemptions provided herein, the Secretary shall, when he determines that the protection of consumers from adulterated or misbranded poultry products will not be impaired by such action, provide by regulation, consistent with subparagraph (3), for the exemption of the operation and products of small enterprises (including poultry producers), not exempted under subparagraph (1), which are engaged in any State or Territory or the District of Columbia in slaughtering and/or cutting up poultry for distribution as carcasses or parts thereby solely for distribution within such jurisdiction, from such provisions of this Act as he deems appropriate, while still protecting the public from adulterated or misbranded products, under such conditions, including sanitary requirements, as he shall prescribe to effectuate the purposes of this Act.

"(3) No exemption under subparagraph (1) (A) or (B) or subparagraph (2) shall apply to any poultry producer or other person who slaughters or processes the products of more than 4,000 turkeys or an equivalent number of poultry of all species in the current calendar year (4.5 birds of other species being deemed the equivalent of one turkey).

"(d) The adulteration and misbranding provisions of this Act, other than the requirement of the inspection legend, shall apply to articles which are exempted from inspection under this section, except as otherwise specified under paragraphs (a) and (c)."

Mr. MONTTOYA. Mr. President, this amendment has been worked out in consultation with the author of a committee amendment which further amended exemption provisions added by the

House to H.R. 16363, the companion bill. My good friend, the Senator from Vermont [Mr. AIKEN], in committee, proposed an amendment redefining the exemptions in terms of birds as well as dollars. My amendment would retain his definition of exemptions in terms of birds instead of dollars. However, I have revised the language of the House exemption provision which constitutes the substance of the amendment now pending. This amendment limits the Secretary's authority on granting exemptions to those dealing with less than 4,000 turkeys per year. Also, the Secretary's authority is limited on exemptions to the effect that sanitary standards, practices, and procedures must be adhered to by those who are coming under the exemption. This latter provision is merely an insurance of sanitation to the consumer. The Senator from Vermont, has agreed this latter is a desirable adjunct to his committee amendment.

The amendment provides the Secretary with the kind of authority whereby he may prescribe "by regulation and under such conditions, including sanitary standards, practices, and procedures," these exemptions with a statutory limit of 4,000 turkeys. There is no discretion on his part, to the extent those exempted must be subject to the certain conditions of sanitation contained in the act and the amendment.

Mr. President, the essence of my amendment, thus, is to limit the Secretary's authority to grant wholesale exemptions from all provisions of the act. He would, under my amendment, be limited with respect to the size of plant or individual that would be exempted; such exemption is defined in terms of birds, as proposed by Senator AIKEN; and, those exempted would still be required to meet certain sanitary conditions.

Mr. President, that explains the amendment. I would be glad to answer any questions. Otherwise, I reserve the remainder of my time.

Mr. ELLENDER. Mr. President, I yield myself 5 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana is recognized for 5 minutes.

Mr. ELLENDER. Mr. President, as I understand from the distinguished Senator from New Mexico, that the Senator from Vermont has been consulted and is willing to add to the committee amendment the language now before the Senate.

Mr. MONTOYA. The Senator is correct; with respect to the portion he expressed interest in—that is, on redefining the exemptions in terms of birds instead of dollars.

Mr. ELLENDER. I wish to state for the benefit of Senators that the Senator's amendment provides a complete substitute for the exemption provisions of sections 15(c) and 15(d) of the act, as provided in the reported bill.

These exemptions deal with, first, producers slaughtering for their own use; second, custom slaughterers; third, producers slaughtering and processing

poultry raised by them for sale; fourth, producers and other slaughtering and processing for sale, and, fifth, other small enterprises.

Under the bill these processors would be exempt from all provisions of the bill. Under the amendment they would be subject to such conditions, sanitary standards, practices and procedures as the Secretary might prescribe.

Under the bill producers slaughtering for their own use and custom slaughterers would not be subject to any limitation. Under the amendment they would be subject to a limitation of 4,000 turkeys or an equivalent number of other birds.

Under the bill producers could process up to 4,000 turkeys or an equivalent number of other birds without being subject to the act. Under the amendment the Secretary would set such limits as might be appropriate to avoid inspection that would be costly or impracticable. Such limits would be required to be "consistent with" the 4,000 turkey limit applicable to custom processors.

Mr. President, as I understood the situation, the number of birds agreed upon is 4½ birds for each turkey.

Mr. MONTOYA. The Senator is correct; and that provision is retained in the substitute.

Mr. ELLENDER. So there is no change in that respect.

Mr. MONTOYA. The Senator is correct.

Mr. ELLENDER. Mr. President, under the bill exempt producers could sell their poultry products in interstate commerce to household consumers or restaurants, hotels, and boarding houses. Under the amendment, they could not sell any poultry products in interstate commerce. The amendment would also require the products to be labeled with the name and address of the producer.

Under the bill processors of not to exceed \$15,000 worth of poultry annually for intrastate commerce would be exempt. Under the bill they would be subject to limits fixed by the Secretary as in the case of producers, but in no event could they exceed 4,000 turkeys or an equivalent number of other birds.

Mr. President, with the understanding that this addition to the committee amendment has been agreed upon by the Senator from Vermont, I have no objection.

The PRESIDING OFFICER (Mr. McIntyre in the chair). The question is on agreeing to the amendment (No. 910) of the Senator from New Mexico [Mr. Montoya].

The amendment (No. 910) was agreed to.

Mr. MONTOYA. Mr. President, I do not wish to move to reconsider at this point, because the Senator from Vermont is not here. In the event he would like to have reconsideration and opening up of the amendment, I shall certainly help him, if my statement of the understanding is not correct.

AMENDMENT NO. 909

The PRESIDING OFFICER. Who yields time?

Mr. MONTOYA. Mr. President, I now ask unanimous consent to lay aside the pending amendment and call up amendment No. 909, my amendment to the so-called Talmadge amendment, which is at the desk.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The amendment will be stated.

The assistant legislative clerk read the amendment, as follows:

On page 46, after the period in line 15, strike out all down through the period in line 18.

Mr. MONTOYA. Mr. President, I suggest the absence of a quorum, and I am hopeful that the Senator from Louisiana will agree that the time can be charged to both sides.

Mr. ELLENDER. Mr. President, that is satisfactory.

The PRESIDING OFFICER. The time will be taken out of both sides.

Mr. MONTOYA. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MONTOYA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALMADGE. Mr. President, I send to the desk an amendment to the Talmadge committee amendment, and ask that it be reported.

The PRESIDING OFFICER. Is the amendment of the Senator from Georgia an amendment to the amendment offered by the Senator from New Mexico?

Mr. TALMADGE. No. I did not know the Senator from New Mexico had an amendment pending.

The PRESIDING OFFICER. There is an amendment pending.

Mr. MONTOYA. I had an amendment pending to the Talmadge committee amendment.

Mr. TALMADGE. If the Senator will withdraw his amendment, I will submit mine in lieu thereof.

Mr. MONTOYA. Mr. President, I will withdraw my amendment temporarily.

The PRESIDING OFFICER. Without objection, the amendment of the Senator from New Mexico is withdrawn.

Mr. TALMADGE. Mr. President, I ask that my amendment be stated.

The PRESIDING OFFICER. Without objection, the amendment of the Senator from Georgia will be in order.

The clerk will state the amendment.

The ASSISTANT LEGISLATIVE CLERK. The Senator from Georgia proposes an amendment on page 46, line 15, as follows:

After the word "misbranded" the following language will be inserted in lieu of the original Talmadge language: "It is the intent of Congress that all diseased poultry and poultry products shall be condemned and the

reason for condemnation in such instances shall be supported by scientific fact information or criteria and such condemnation under this Act shall be achieved through uniform inspection standards and uniform application thereof."

Mr. TALMADGE. Mr. President, I yield myself 5 minutes.

Mr. President, I offered the committee amendment in the Agriculture Committee and it was agreed to by voice vote, without dissent. There has been some objection from the Department of Agriculture to the amendment that was agreed to by the Committee on Agriculture and Forestry. My staff has conferred with the representatives of the Department of Agriculture and also with representatives of the poultry industry. We have worked out the language which is now pending at the desk and has been agreed to by the Department of Agriculture and also by representatives of the poultry industry.

Mr. President, this amendment is aimed at a problem that has been in existence in my State and some other States, where birds of the same flock, raised under identical conditions, will be sent to one poultry plant and the condemnation rate will vary widely from another plant within 20 miles.

To say the least, the poultry inspection service of the U.S. Department of Agriculture has a monumental task each day of protecting the source of poultry for the consumers of this Nation. This branch of the Department of Agriculture is cooperating with the industry in providing many inspectors for the difficult job of accepting or condemning a chicken carcass in a few seconds.

However, for months now, certain poultry producing regions have registered complaints with their representatives in Congress that there has been a lack of uniformity in the inspection service. In some cases, this lack of uniformity has amounted to such discrepancies so that two plants in the same locality processing birds from the same flock have had the following condemnation rates: 12½ percent versus 4¼ percent; 25 percent versus 13½ percent; 20 percent versus 7 percent; 21 percent versus 9 percent; and 13 percent versus 6½ percent.

The poultry producers and processors in this region do not disclaim the fact that for some unknown reason the disease present in their flocks is slightly above the average, but obviously they are questioning the lack of uniformity by the poultry inspection in the condemnation of the fowl from the same flock.

Through a self-help program, the producers and processors have sought the assistance from several qualified veterinarians who have specialized in poultry diseases. These veterinarians have come both from the Southeast and Central region of our Nation. During this high condemnation period of more than 2 years, these veterinarians have continued to challenge the accuracy of the inspectors at the processing plants. It is the contention of these veterinarians that many of the birds that have been condemned for a particular disease, may have had symptoms that are peculiar to that disease but are actually harmless signs of a scrape of the skin or a feather

that was plucked in the incorrect manner.

The Department, in an attempt to meet the above complaints, has continued to hold meetings to correct these inconsistencies. But I am told that, as of this date, the lack of uniformity continues to exist, as well as the continuation of condemnation of healthy birds.

Unfortunately, the Department has raised substantial legal objections to the precise language of the amendment. The Department points out that the amendment would impair the effectiveness of the inspection service by preventing condemnations of poultry which are not suitable for human consumption, for reasons such as excess water content or disease, although the poultry may not necessarily be injurious to human health.

As a result of these objections and the related confusion involving the interpretation of this amendment, I have submitted the amendment which is now pending.

At the same time, I want to emphasize that this action does not in any way indicate disagreement with the objectives of the amendment. Congress should insist, in the interest of the consumer, that the Department develop and communicate to the industry the scientific fact on which condemnations to protect human health are based. It is likewise in the consumer's interest, and Congress should likewise insist that the inspection program be based on uniform criteria which are uniformly applied in every plant and region throughout the Nation.

Mr. President, in order to establish some legislative history, I yield to the distinguished Senator from New Mexico [Mr. MONTROYA]. I assume he will now support the amendment to the amendment, because it has the support of the Department of Agriculture and the poultry industry.

The PRESIDING OFFICER. How much time does the Senator from New Mexico yield himself?

Mr. MONTROYA. The Senator from Georgia has control of his time with the Senator from Louisiana [Mr. ELLENDER].

Mr. TALMADGE. I yield 3 minutes to the distinguished Senator from New Mexico.

Mr. MONTROYA. I should like to preface my remarks by stating that I do not impugn the motives of the Senator from Georgia in offering the original amendment. I have expressed on the floor of the Senate, in a general way, my doubts about the efficacy of the words "scientific fact" or "substantial scientific fact," which is the main thrust of the amendment that was adopted in committee. Those words are still in the amendment.

In order to establish some legislative history, I should like to ask the Senator from Georgia what he considers to be the establishment or basis of scientific fact and whether those words could overrule an inspector who actually sees a tumor on a chicken. Would that situation bar him if he did not know it as a scientific fact, even though the chicken was visibly diseased?

Mr. TALMADGE. The language of the new amendment provides that the reason for condemnation in such instances

shall be supported by scientific fact, information, or criteria, and such condemnation under this act shall be achieved through uniform inspection standards and uniform application thereof.

I am sure that if an inspector saw a lesion on a bird, he would recognize that the lesion was present for some reason. I am quite certain also that the inspection service, in sending out directives to the inspectors, many of whom are lay persons, not trained veterinarians, would have them refer to the manual to determine what the instructions were from Washington. The instructions from Washington, I am sure, would be to safeguard the health of consumers.

The veterinarians in all probability would be trained and skilled scientists who could determine, based upon written criteria, what should be observed, on a bird so as to protect the health of consumers. That, in my judgment, would be the meaning of "scientific fact and criteria."

Mr. MONTROYA. Do I understand the Senator to say that an inspector could take from the production line a chicken that is visibly defective, and set the chicken aside pending a further investigation, at the request of the producer, by a veterinarian skilled in such type of inspection?

Mr. TALMADGE. The Senator is entirely correct. As a matter of fact, lay inspectors, if they saw a bird unfit for human consumption, would be likely to lay that carcass aside and consult with a veterinarian in the plant. The veterinarian would have some knowledge of what caused a lesion in the bird, and the inspector would then follow the veterinarian's advice, based on the scientific medical test and instructions from the Department of Agriculture.

Mr. MONTROYA. Diseases that would probably be visible to an inspector while the chicken was on the production line would probably be tumors, sometimes cancers, perhaps parasitic infections, such as round worm, and others that I cannot think of at the moment. Also, diseases of the liver and the byproducts of the chicken. Also, you may have dirty and filthy poultry. If those things were apparent to the naked eye, could the inspector take the chicken out of the production line, call it to the attention of the producer, and prevent it from moving in interstate or intrastate commerce? Is it the intention of the Senator from Georgia that under such conditions the inspector would be inhibited from doing such a thing? Or could he separate the questionable carcass from the production line pending a further investigation and the overturning of his findings by someone skilled in the science, such as a veterinarian, as required by the amendment?

Mr. TALMADGE. The standards issued by the Department of Agriculture should be uniform throughout the Nation. They should be based on scientific knowledge, facts and criteria, so as to protect human health. Whatever is necessary to protect human health should be done, based upon the best advice of skilled scientists who are knowledgeable about diseases of poultry. If a lay inspector sees a bird that might be dis-

eased, it would be his duty, in my judgment, to lay that bird aside and consult with a veterinarian who has knowledge of diseases of poultry, and then make his decision predicated on the knowledge of the veterinarian.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. To whose time will the time for the quorum call be charged?

Mr. TALMADGE. I ask unanimous consent that the time used for the quorum call be charged to neither side.

Mr. ELLENDER. Provided that the time does not go beyond 12 o'clock.

Mr. TALMADGE. This quorum call will take but a short time.

Mr. ELLENDER. One amendment will remain after the disposition of the Senator's amendment. With that understanding, I have no objection to the time for the quorum call not being charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TALMADGE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALMADGE. Mr. President, I modify the amendment at the desk so that it will read as follows:

On page 46, line 15, strike commencing with the word "it", down to and including line 18 and insert:

"It is the intent of Congress that when poultry and poultry products are condemned because of disease, the reason for condemnation in such instances shall be supported by scientific fact, information, or criteria, and such condemnation under this Act shall be achieved through uniform inspection standards and uniform applications thereof."

The modification is a modification of the pending amendment which is an amendment in lieu of the committee amendment. I would strike the committee amendment and modify the amendment at the desk.

The PRESIDING OFFICER. The amendment is accordingly modified.

Mr. TALMADGE. Mr. President, the distinguished Senator from New Mexico and I have just conferred with representatives of the inspection service of the U.S. Department of Agriculture. The modification has been agreed by the Department of Agriculture, the distinguished Senator from New Mexico and me. I move its adoption.

Mr. MONTTOYA. Mr. President, will the Senator yield for a question?

Mr. TALMADGE. I yield.

Mr. MONTTOYA. In view of the fact that this amendment has come up since we had the discussion on the floor of the Senate with respect to legislative intent, I ask the Senator from Georgia whether or not the answers he gave to my questions previously also apply to the new language.

Mr. TALMADGE. They do.

Mr. MONTTOYA. The amendment, I understand, now provides that when the USDA's grounds of condemnation are that the poultry is diseased, the reason

for condemnation shall be supported by scientific fact, information, or criteria, and the inspectors making the condemnation should follow uniform inspection standards.

This language simply restates the basis under which diseased poultry is now condemned.

It clarifies further the intent to condemn poultry for disease, whether or not it can be shown that it is injurious to human health.

Thus, where the original amendment would have raised serious doubt as to the ability of the inspector to condemn unless poultry was injurious to human health, the language now makes clear that disease in and of itself is a basis for condemnation.

The amendment does not affect the statutory intent and the substantive provisions of the act, which is to condemn for all adulteration including disease. The objectionable feature of the original amendment has been eliminated.

Mr. TALMADGE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. TALMADGE. Is a vote in order at the present time, provided no record vote is required?

The PRESIDING OFFICER. It is, by unanimous consent.

Mr. TALMADGE. Mr. President, I ask unanimous consent that it may be in order to vote on the pending amendment at this time.

The PRESIDING OFFICER. The question is on agreeing to the amendment as modified.

Mr. MONTTOYA. Mr. President, I ask unanimous consent to make the same request retroactively with respect to the Aiken amendment, which was agreed to heretofore.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from Georgia, as modified.

The amendment, as modified, was agreed to.

Mr. TALMADGE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HOLLAND. I move to lay that motion on the table.

Mr. TALMADGE. Mr. President, I withdraw that motion.

The PRESIDING OFFICER. The bill is open to further amendment.

AMENDMENT NO. 911

Mr. MONTTOYA. Mr. President, I call up my amendment to the Holland committee amendment which was heretofore pending, amendment No. 911.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. MONTTOYA. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 63, beginning with line 7, strike out all down through line 17.

On page 91, beginning with line 13, strike out all down through line 13 on page 92.

On page 92, line 14, strike out "Sec. 21" and insert in lieu thereof "Sec. 20".

On page 92, line 20, strike out "Sec. 22" and insert in lieu thereof "Sec. 21".

Mr. JORDAN of North Carolina. Mr. President, will the Senator yield?

Mr. MONTTOYA. I yield 2 minutes to the Senator from North Carolina.

Mr. JORDAN of North Carolina. Mr. President, when this bill was discussed in the House of Representatives, there was some discussion of the advisability of a regulation requiring processors to furnish growers with information concerning condemnation of any birds grown by them.

The Secretary of Agriculture advised Representative PURCELL by letter of his belief that such a regulation should be issued, but suggested that if it were the committee's view that such a regulation was within the intent of the bill, such intent should be recorded in the legislative history.

Mr. President, that is the intent of the bill, and such a regulation should be issued. The intent of the bill is to provide wholesome poultry. By advising producers of diseases in their flocks, we will help them to eradicate such diseases and to produce wholesome poultry.

I ask unanimous consent that the Secretary's letter to Representative PURCELL be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF AGRICULTURE,
Washington, D.C., June 11, 1968.

HON. GRAHAM PURCELL,
Chairman, Subcommittee on Livestock and Grains, Committee on Agriculture, House of Representatives, Washington, D.C.

DEAR MR. PURCELL: I am writing in answer to the question which has been raised as to what the Department's position would be under H.R. 16363, the Wholesome Poultry Products Act, reported by the Committee on Agriculture, in regard to requiring processors to slaughter and process poultry received from individual growers as separate lots and the furnishing of inspection information relating to the particular lot to the grower whether he be a contract grower or an independent operator.

It is our understanding that the question arises by reason of the fact that it is the view of some members of the Committee that it is important that the various lots of poultry be handled separately. This view is based on the fact that separate antemortem inspection of each bird is not required under section 6. Therefore, if any abnormal condition is found in a particular lot, it will be important that all other birds in that lot be readily identifiable, and that the source of those birds also be readily identifiable in order that proper attention may be given to other poultry arriving at the processing establishment from such source. It is our further understanding that it is felt that it is important where birds in a lot are condemned by inspectors of the Department that information concerning such condemnations and the number of birds processed in the particular lot be furnished to the grower whether he be a contract grower or an independent operator. This is necessary in order that he may be in a position to take whatever action that may be required to eradicate any disease or other abnormal conditions with respect to his flock

so that poultry subsequently sent to a processing plant would not be diseased or otherwise subject to condemnation.

There would appear to be merit in the foregoing views. Section 14 of the Poultry Products Inspection Act, as amended by the Bill, provides that the "Secretary shall promulgate such other rules and regulations as are necessary to carry out the provisions of this Act." In view of the foregoing, the Department's position would be that regulations should be issued under the Bill, if enacted, requiring processors subject to the inspection requirements to separately slaughter and process lots of poultry received from individual growers and providing for the furnishing to the grower of information developed on inspection concerning condemnations and the total number of birds processed in the particular lot of the grower.

It is believed that if it is the Committee's view that it is within the intent of the Bill for the indicated action to be taken by the Department thereunder, such intent should be made a matter of record in the legislative history.

Sincerely yours,

ORVILLE L. FREEMAN.

The PRESIDING OFFICER. Who yields time?

Mr. MONTOYA. I yield myself 5 minutes.

Mr. President, this amendment has been discussed quite extensively, and I believe it is appropriate, for the sake of brevity, to condense what has been said, so that the Senators who are present and who have not read the RECORD might be apprised as to what we conceive to be the impact of the amendment.

In analyzing the argument propounded by the Senator from Florida with respect to the so-called Holland provision in the bill, I believe it is fair to state—and I submit that this is my version of his argument—that it would have poultry and meat products inspected in intrastate commerce move in interstate commerce and to give the departments of agriculture in some States extended jurisdiction over poultry products. I believe that the main thrust of Senator HOLLAND's argument was that the inconsistency of the Department of Agriculture in first impliedly giving consent to the Holland provision and then withdrawing it, in its letter to me of July 26, constituted some kind of argument which fortifies the position of the Senator from Florida. If that is not the case, perhaps he can correct it in his rebuttal.

The point I wish to make is that what is involved is the interest of consumers of this country. Are we to adopt the Holland provision, or are we to delete it through my amendment? What are the issues involved?

We have heard a great many words spoken on the provisions which would

amend both the Poultry Products Inspection Act and the Wholesome Meat Act to permit the movement in interstate commerce of both meat and poultry products processed under State inspection if the Secretary determines that the State is operating a program at least equal to the requirements under the Federal act.

I have listened to all that has been said and I have reviewed it carefully, and I find that the substance of the argument for these measures is principally that the States will have their feelings hurt if Congress does not accept these measures.

This is very thin soup on which to make decisions that affect the quality of consumer inspection programs and the promotion of consumer interests.

I have argued that these measures undercut the effectiveness of the new provisions of the Poultry Products Inspection Act and also undermine the existing Federal poultry inspection program, and would render meaningless all of the countless manhours that went into the adoption of the Wholesome Meat Act of last year.

I have introduced testimony from both the meat and poultry industry that these provisions would result in competition between the Federal and State programs, and between the States themselves, as to which could attract more clients. Unscrupulous producers and processors would shop around for the States with the least rigid enforcement practices where they could establish plants free from the effective Federal inspection. The end result would be unwholesome and adulterated meat and poultry products flowing to every table in this country. This cannot be tolerated. If there is even one hint that this would be done, Congress would be remiss in even thinking about such a proposal.

The primary issue to which we must address ourselves today is consumer protection. The evidence is overwhelming in support of this. The surveys of non-federally inspected poultry plants conducted jointly by the Department of Agriculture and the States, indicate that only a few plants fully meet minimum sanitary requirements. Over one-third need major changes, while another one-third would require less than major changes.

These reports indicate clearly that many nonfederally inspected poultry plants were operating under sanitary conditions so bad that production of clean and wholesome product was impossible. The conditions which were found were in many cases so repulsive that should consumers of this Nation

have any idea of the primitive conditions under which the product was prepared, they would never buy poultry or poultry products again.

Mr. President, the Wholesome Meat Act of 1967 has now been operative for roughly over 7 months, but already it is beginning to bear fruit. Under the provisions of that act, should the Department of Agriculture discover conditions in intrastate plants that are endangering human health, notification is to be given to the Governor of that State. The Governor is thus given the prime responsibility to correct any such conditions. However, if the Governor does not do so on his own then the Secretary of Agriculture is given the authority of moving into that particular plant or plants and taking whatever remedial action is necessary.

As I have indicated, the Wholesome Meat Act has been in operation but a short while. However, it has already had tremendous success in helping to put intrastate plants in order. Mr. President, I think it is interesting to note that Federal officials, acting together with State officials, surveyed over 100 plants in which conditions were found necessitating corrective action and in which corrective action was taken on the spot. The success of the Wholesome Meat Act is clear. In addition, however, there were some 35 plants in 12 States and Puerto Rico that had to be designated to State officials as endangering public health. In some of these States, corrective inspectional procedures were instituted by the State officials; in others, the plants were temporarily closed down; and in still others, the plants were immediately closed down by the State officials.

This is a fine example of the protection which the Wholesome Meat Act is providing against adulterated meat products flowing from intrastate plants. This is the excellent consumer protection with which we should not tamper. The Holland amendment would tend to disrupt this arrangement, resulting in reduced consumer protection to the meat and poultry consumers of this Nation.

Mr. President, on Saturday last I had printed in the RECORD a listing of the intrastate meat plants that have been designated to State officials as endangering public health. However, in order to have a proper sequence here, I ask unanimous consent to have that listing printed again at this point in the RECORD.

There being no objection, the document was ordered to be printed in the RECORD, as follows:

INTRASTATE RED MEAT PLANTS THAT HAVE BEEN DESIGNATED TO STATE OFFICIALS AS ENDANGERING PUBLIC HEALTH, FROM JAN. 1, 1968, TO JULY 26, 1968

State and address of plant	Type of operation	Reason for action	Followup action
Arizona:			
Casa Grande (included in 1962 survey).	Slaughtering	Failure to control insects and vermins. Lack of environmental sanitation. Insanitary handling of meat and meat byproducts.	Corrective inspectional procedure instituted.
Mesa	do	Failure to control insects. Insanitary procedures used in manufacturing products. Lack of environmental sanitation.	Do.
Tucson	do	Failure to control inedible and condemned products. Lack of environmental sanitation. Insanitary procedures used in manufacturing products.	Do.
Connecticut: Plainfield	do	Failure to control condemned, diseased carcasses which had been marked inspected and passed. Spoiled meat byproducts present in cooler.	Immediately closed by State officials.

INTRASTATE RED MEAT PLANTS THAT HAVE BEEN DESIGNATED TO STATE OFFICIALS AS ENDANGERING PUBLIC HEALTH, FROM JAN. 1, 1968, TO JULY 26, 1968—Continued

State and address of plant	Type of operation	Reason for action	Followup action
Delaware: Dover.....	Slaughtering and processing.....	Nonpotable water (contaminated) being used in producing products for human consumption.	Closed by State program director.
Idaho: Coeur d'Alene.....	do.....	Failure to properly control inedible and condemned products.	Corrective inspection procedures instituted by State officials.
Kingston.....	Slaughtering and sausage processing.....	Improper control of condemned animals. Lack of proper environmental sanitation. Improper control of inedible and condemned products.	Do.
Wallace.....	Wholesale slaughtering and processing.....	Lack of proper environmental sanitation. Lack of control of inedible and condemned. Insanitary procedures used in manufacturing products.	Do.
Idaho Falls.....	Slaughtering and processing.....	Lack of proper environmental sanitation.....	Do.
Rupert.....	do.....	do.....	Do.
Illinois: Alhambra.....	Slaughtering.....	do.....	A plant closed by State program director.
Michigan: Detroit.....	Processing.....	do.....	Corrective action taken by State officials. Subsequently the plant requested and was approved for Federal inspection.
Richmond (included in 1967 survey).....	Slaughtering and processing.....	Insanitary handling of product. Lack of proper environmental sanitation.	Closed by State officials.
Iron River (included in 1967 survey).....	do.....	Insanitary handling of product. Lack of environmental sanitation. Lack of control of inedible and condemned products.	State officials have instituted corrective inspectional procedures and have had the plant correct and change facilities and equipment to alleviate sanitary deficiencies.
New Hampshire: Goffstown.....	Slaughtering and retail store.....	Nonpotable water (contaminated) being used in producing products for human consumption.	Discontinued slaughter operations as a result of State corrective action. Source of water to retail operations converted to new source.
Nevada:			
Reno.....	Processing.....	Improper environmental sanitation.....	Plant closed temporarily to initiate a cleanup.
Elko.....	Slaughtering and processing.....	Failure to control condemned and inedible products. Insanitary procedures used in manufacturing products.	Corrective inspectional procedures instituted by the State officials.
Gardnerville.....	do.....	do.....	Do.
Las Vegas.....	Processing.....	Improper environmental sanitation. Lack of control of condemned and inedible products.	Do.
Pennsylvania:			
Dalton.....	Slaughtering.....	Failure to properly control condemned product.....	State program director instituted corrective inspection procedures as well as providing increased supervision.
Johnstown (included in 1962 survey).....	do.....	Improper environmental sanitation.....	Do.
Utah:			
Lehi.....	Processing.....	Lack of control of insects and vermins. Improper environmental sanitation. Insanitary handling of product.	Immediate corrective action was taken by the State officials and have increased inspection coverage.
Salt Lake City.....	do.....	Improper environmental sanitation. Insanitary handling of product.	Do.
Vernal.....	Slaughtering and processing.....	Lack of proper environmental sanitation.....	Corrective inspection procedures instituted by State officials. Inspection coverage has been increased.
Nebraska: Omaha.....	do.....	do.....	do.....
Puerto Rico: 8 plants.....	do.....	do.....	do.....
Texas:			
Terrell.....	Slaughtering and processing.....	do.....	do.....
Eagle Pass.....	do.....	do.....	do.....

Mr. MONTTOYA. I shall refer to a few items on the list.

In one plant in Arizona which was inspected—an intrastate plant—it was found that there was failure to control insects and vermin. There was lack of environmental sanitation, and there was unsanitary handling of meat and meat byproducts. Corrective inspectional procedure was instituted.

The PRESIDING OFFICER. The 5 minutes of the Senator have expired.

Mr. MONTTOYA. I yield myself 3 additional minutes.

In a plant in Connecticut, the findings were failure to control condemned, diseased carcasses which had been marked "inspected and passed," and spoiled meat byproducts were present in the cooler. The State officials, at the request of the Federal inspectors, closed this plant.

In a plant in Delaware, nonpotable water was being used in producing products for human consumption. This plant was closed by the State program director at the instance and request of the Federal inspector.

At another plant in Illinois the findings were "lack of proper environmental sanitation." The plant was closed by the State program director at the request of the Federal inspector.

In Michigan a plant was closed for "lack of proper environmental sanitation." Corrective action was taken by State officials.

At another plant in Michigan the finding was "insanitary handling of product. Lack of proper environmental sanitation." This plant was closed at the request of Federal officials.

Another plant in Michigan had a finding of "insanitary handling of product. Lack of environmental sanitation. Lack of control of edible and condemned products." The action was that "State officials have instituted corrective inspectional procedures and have had the plant correct and change facilities and equipment to alleviate sanitary deficiencies."

Mr. President, so it goes down the line.

Yet these conditions do not warrant wholesale condemnation of the poultry or meat industries. The poultry industry has been highly responsible in support of a bill which would truly give the consumers of this Nation the type of protection they deserve. The poultry industry in general supports the deletions of the provisions which my amendments would delete. Thus my amendments would insure that the consumer is fully protected and that the responsible elements of the poultry industry are also protected from the unscrupulous few who would seek to make a profit at their expense.

I also wish to make it clear that my remarks should not be interpreted as being against State inspected programs. No one has worked harder than I to establish a truly State-Federal atmosphere for meat and poultry inspection. The goal of a viable State relationship was maintained in the Wholesome Meat Act of last year, even over strong efforts to completely Federalize the meat inspection program.

The record thus far bears out the fact that this is the right approach. As I have

previously stated, since the passage of the Wholesome Meat Act, the Department of Agriculture has been able with the cooperation of the State authorities to close down or clean up a substantial number of plants which were hazardous to public health. Some 35 of these plants were declared hazards by the Department and subsequently the States took corrective action, but in addition, the States, when called to their attention, took independent action on two or three times this number of dirty and hazardous meat plants.

The cooperative program provided under the Wholesome Meat Act is in its infancy, and it is too early to anticipate the attainment of goals that the State programs be at least equal to the Federal inspection program; this is a prerequisite for any consideration of the provisions such as those which are before us today.

The Congress should make it emphatic—there should be no compromise—that effective consumer protection requires that State programs be at least equal to the standards of Federal inspection. Already there are requests coming to the Congress not only to allow that State inspected products be shipped in interstate commerce but also to allow the States which are so designated to make determination on plant facilities, construction standards, and other essential criteria to maintaining effective and adequate consumer protection. We should make it clear that there should be no encroachment on, and no deviation from, the high standards which were set under the Wholesome Meat Act and which are proposed under the legislation now before us. The only way we

can insure this is to return to the original language of the House passed bill and to delete subsection 5(c) 5 and section 20 of S. 2932.

Mr. President, the record thus far bears out the fact that the course I am suggesting is the right approach; that is, that we have joint Federal-State cooperation as in the Red Meat Inspection Act of last year. Unless we do this we will give a license to the State plants to use the State inspection tag which would be authorized by the Senator from Florida [Mr. HOLLAND] so they can use products in interstate commerce. Unsuspecting consumers would buy these products at every store in the country without knowing whether there had been inspection by local meat inspectors, or whether there had been Federal inspection of the meat, which has the label of integrity, resulting from years of inspection, issued by the Federal Government.

Mr. President, that is the issue here and that is why I oppose the provisions of the so-called Holland amendment. That is why I moved, through my amendment, to delete those provisions.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MONTTOYA. Mr. President, I yield myself 1 additional minute.

The PRESIDING OFFICER. The Senator is recognized for 1 minute.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. MONTTOYA. I yield to the Senator from Pennsylvania.

Mr. CLARK. Mr. President, I wish to congratulate the Senator from New Mexico for the strong stand he has taken in support of his amendment and in opposition to the Holland amendment. I think the consumers of this country are entitled to the protection which the Senator from New Mexico and the Senator from Minnesota would attempt to give them.

I congratulate the Senator for being willing to take the leadership in this battle. It is not easy to combat those who are opposing him. I pledge the Senator my strong support.

Mr. MONTTOYA. I thank the Senator.

Mr. PASTORE. Mr. President, will the Senator yield to me for a question?

Mr. MONTTOYA. I yield.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MONTTOYA. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator is recognized for 1 additional minute.

Mr. PASTORE. Mr. President, realizing the fact that the Senator from New Mexico was the floor manager of the bill having to do with red meat inspection, does the Holland amendment deviate from the red meat inspection law?

Mr. MONTTOYA. Yes, it does. We had no so-called Holland provision in the red meat inspection law, but the present Holland provision would bring in red meat in its effect.

If this amendment is not rejected, there would be local inspection of State meat and poultry plants dealing in interstate commerce and they will be able to move their products in interstate commerce.

Mr. PASTORE. Is that now possible under the existing law?

Mr. MONTTOYA. It is not possible.

Mr. PASTORE. I thank the Senator.

Mr. MONTTOYA. Mr. President, I would like to state that the only two organizations that back the Holland amendment, as I understand it from his statement of Saturday, are the National Independent Meat Packers Association and the National Association of State Departments of Agriculture. Is that correct?

Mr. HOLLAND. That is not correct. The Federal Farm Bureau supports it. I have a wire from them.

Mr. MONTTOYA. That was not stated on Saturday. I accept the correction.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MONTTOYA. Mr. President, I yield myself 1 additional minute.

The PRESIDING OFFICER. The Senator is recognized for 1 additional minute.

Mr. MONTTOYA. Mr. President, the House Agriculture Subcommittee that considered the Holland provision was against it. The House committee was against the Holland amendment. The full House supported the House committee action by a record vote of 352 to 17. The Senate Agriculture Subcommittee which held hearings on this bill, opposed the Holland provision. At least four Senators on the committee filed minority views against the Holland amendment. I quote these facts to indicate that it is not "pressures from outside" as was stated here on the Senate floor on last Saturday. But rather pressures from within the very committees which have been considering these provisions.

Our cause has been supported by virtually everyone in this Nation from all walks of life. I would wish to once again call this support for my stance for the further enlightenment of my colleagues. At least the following have expressed their support of my endeavor, including the entire poultry industry and the U.S. Department of Agriculture: the National Broiler Council, the National Turkey Federation, the Institute of American Poultry Industries, the National Cattlemen's Association, the AFL-CIO, the Amalgamated Meat Cutters & Butcher Workmen of North America, the International Union, United Automobile, Aerospace & Agricultural Implement Workers of America, UAW, the Office of the Special Assistant to the President for Consumer Affairs, the U.S. Department of Agriculture, the press, and a number of red meat plants.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The time of the Senator has expired. The Senator has 1 minute remaining.

Mr. MONTTOYA. Mr. President, I reserve that 1 minute.

The PRESIDING OFFICER. Who yields time?

Mr. ELLENDER. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER (Mr. BYRD of West Virginia in the chair). The Senator from Louisiana is recognized for 5 minutes.

Mr. ELLENDER. Mr. President, I am somewhat disappointed in the statement made by my good friend from New Mex-

ico. This amendment was considered by the full committee and it was voted into the bill by a vote of 10 to 2. The data that the Senator read came about long before there was any move to have a cooperative effort between the States and the United States to inspect meat.

Let us not forget that the language that is now being sought to be deleted was in the bill, as I introduced it. That bill was from the Department of Agriculture. The language is identical.

That language means that since the States will cooperate with the Federal Government, since the Government will put up one-half of the cost and the States will put up one-half of the cost in the inspection of meat or poultry, and since the State must comply with laws equal to or better than the Federal laws, the State-inspected product in those circumstances ought to be permitted to move in commerce.

Mr. President, who is to be the judge of that? The Secretary of Agriculture is to be the judge. He has the last word.

It strikes me that since this is a cooperative effort we should give the States a goal to shoot at. What is that goal? That goal is: Do as well as the Federal Government can do. All that will happen if that occurs is that meat and poultry inspected by the State government under the eyes of the Department of Agriculture will have the same right as federally inspected meat to go into commerce. That is all it means.

The Department of Agriculture will put up 50 percent of the cost of State inspection. The States will furnish 50 percent of the cost of inspection. As was stated in this Chamber last Saturday, the cost of meat inspection in fiscal year 1968 was \$49 million plus. This year we have added \$21 million plus the \$49 million, making a total of \$70 million plus for the inspection of federally inspected meat; and also that part of the State inspection to be furnished by the Federal Government.

Mr. President, unless we permit the States to have a goal to shoot for I fear that within the next 4 or 5 years the entire cost of meat and poultry inspection, whether it be for intrastate or interstate, will fall on the shoulders of Uncle Sam. That is what is going to happen because here we have a setup that will be looked after by the Federal Government and the Federal Government will determine whether or not the State inspection service is equal to or as good as the Federal inspection service.

If we do not give the States the opportunity to show what they can do I fear the whole burden of meat inspection will fall on the Federal Government. I am not surprised that all of the unions are for the position of the Senator from New Mexico. They fear they will not be able to unionize under State laws as they can under Federal laws.

In my judgment, the meat to be inspected by the States will be as well inspected and as sound and good as that inspected by the Federal Government. The reason is that no meat can get out of the State, whether it is intrastate or interstate, unless it meets the approval of the Secretary of Agriculture and his workers.

I hope that the amendment is re-

is an administration bill that came from the Department of Agriculture. The very language that is being sought to be deleted was in the bill when I originally introduced it on behalf of the Department of Agriculture.

Mr. HOLLAND. Mr. President, will the Senator from Louisiana yield to me?

Mr. ELLENDER. I yield the rest of the time.

Mr. HOLLAND. I am sorry that the Senator from New Mexico made several statements in his original opening remarks, especially one in particular, because it was so misinformed. It is not true that any article could move in interstate commerce with simply the State symbol showing State inspection. To the contrary, if the Senator will read—as apparently he has not—

Mr. MONTROYA. Mr. President, will the Senator yield?

Mr. HOLLAND. I will not yield until I get through with my statement.

The Holland amendment is on page 63 of the bill and provides that the right to move in equal status when Federal inspection is given, "when they are marked under such supervision and other conditions as the Secretary may by regulation prescribe, with a combined State-Federal official inspection legend."

That same wording is repeated later, on page 91 of the bill, "including any combined State-Federal official inspection legend prescribed by the Secretary."

Now, it is just not so that any commodity inspected by a State, and moving with only a State inspection marking on it, could ever move in interstate commerce. To the contrary, this amendment makes it clear that the Secretary "rides herd" on the proposal, and that the only way it can ever move is after the Secretary determines State inspection is equal to or better than Federal inspection, and then only under a joint Federal-State inspection legend.

Mr. MONTROYA. Will the Senator from Florida yield for a correction?

Mr. HOLLAND. If I have time.

Mr. MONTROYA. I did not mean to imply that it merely had to carry the State label. I am aware of the situation where the State program under the Senator's amendment, would place a State label and then the Federal Government would have to put a joint label too—in other words, State-inspected and Federal-inspected, with a Federal stamp on it. That is contemplated by the provisions but, actually, what I wanted to say was that this plant was producing goods with such a joint label in strictly State-inspected facilities. Is that correct?

Mr. HOLLAND. The Senator did not understand that, because—

Mr. MONTROYA. But is that statement correct?

Mr. HOLLAND. To the contrary, the bill makes it clear that it must be con- does not require that one stamp be placed on it by the State inspector and one by the Federal. It requires a Federal-State inspection stamp, just as is placed on citrus fruit from Florida, just as is placed on literally countless fruit and vegetable products that now move in Federal commerce, and just as we intended when we passed 6 years ago the Aiken-Talmadge

Act encouraging the setting up of such joint proposals.

Mr. President, I sincerely trust that Senators have read the debate in the RECORD of Saturday when so few of us were here, as well as my statements on the floor of the Senate on Monday, July 22, in regard to the pending bill and the amendment which I offered in committee which was adopted by a vote of 10 to 2. This is an amendment proposed by me for the commissioners of agriculture of the 50 States, the Independent Meat Packers Association, and others, which had the written support of Secretary of Agriculture Freeman, the administrator of the program, Mr. Leonard, and the clear testimony during the House hearings by Dr. Mehren, Assistant Secretary of Agriculture. My earlier statement contains the actual quotations from the letters of Secretary Freeman and Mr. Leonard, as well as the public statement on this very point made by Mr. Leonard to the annual convention of independent meat packers in these words in February of this year:

It is the intention of the Department of Agriculture to transmit a draft amendment to the Congress for passage this year.

He was talking about red meat.

Unfortunately, and in spite of the good intentions of the Department of Agriculture, there came into this discussion the opposition of Miss Betty Furness who thinks that she spoke for consumers, and of Mr. Ralph Nader, and now Mr. Drew Pearson has joined in the outcry. Apparently, the Department of Agriculture has lacked the fortitude to stand by its well-intentioned recommendations and it now says in its official statement to Senator ELLENDER, as chairman of the Committee on Agriculture, that while my amendment is both—to quote—"reasonable and logical"—that it has now decided that because of a considerable "body" of opposition the enactment of the amendment should be postponed until a later date.

I remind the Senate that the programs of the Wholesome Meat Act of last year and of the pending poultry bill were both to create bona fide cooperative Federal-State inspection systems. We are all anxious to improve standards of inspection. No State can get the approval of the Secretary until it, by its laws on operation, has a system that is equal at least to the Federal system, at which time, under Federal supervision, it will be allowed to put on the joint Federal-State stamp. This is clearly shown by the provision in both bills that when the Secretary of Agriculture certifies that any State has created a legal inspection system "at least equal to" the Federal system and is enforcing it strictly, then the Federal Government shall pay up to 50 percent of the enforcement costs. Mr. Leonard, in his appearance before the Independent Meat Packers convention made it clear that the Department expects to pay in full 50 percent of the cost when a State system has been so strengthened as to have the complete approval of the Secretary of Agriculture.

At stake now is the good faith of the USDA and its willingness to stand by its well-planned cooperation with the

States. We know that the present Department, as well as its division head, want to carry through to completion the program which they agreed to. They even set the complete cooperative program underway this year by including in the draft of the poultry bill which they sent to both Houses of Congress the provision for the movement in interstate commerce of State-inspected poultry if, as, and when a State system was found both as to law and as to enforcement to be "at least equal" to the Federal system. At stake is the attitude of the States toward the Federal Government. The States fully expect us to live up to the commitments which I have mentioned. I placed in the RECORD Saturday the wire from the 17-member National Meat Advisory Committee appointed by Secretary Freeman under the Wholesome Meat Act, strongly supporting our amendment.

Congress started 6 years ago on the building of cooperative Federal-State systems by the passage of the Aiken-Talmadge bill which strongly approves the setting up of such systems and the assumption by the States of a large part of the responsibility and expense of inspection whenever the State inspection can be completely approved by the Secretary of Agriculture. After all, have we any confidence in the Secretary of Agriculture and are we willing to rely on his diligence, his intelligence, and his honesty in this and kindred matters of food inspection?

And I call attention to the fact that a cooperative Federal-State system must be always supervised by Federal inspectors. Under our amendment, the cooperative Federal-State system as to red meats and poultry would not move its inspected products into interstate commerce under a State inspection symbol, but only, and I quote from the amendment:

When they are marked . . . with a combined State-Federal inspection legend.

In closing I remind the Senate that as to countless numbers of perishable food products in the field of fruits and vegetables, the Federal Department is already relying upon State inspection systems. I hope that the Senate will not set back this whole cooperative effort by refusing to accept the Senate committee amendment which, after all was first proposed by the Department when it sent up to the two Houses of Congress the proposed poultry bill early in this session.

Mr. President, I have received several interesting communications, one this morning from the American Farm Bureau Federation supporting the amendment.

Second, a copy of a letter to the Senator, from Oregon [Mr. HATFIELD], from his commissioner of agriculture, and I understand that he will place that letter in the RECORD with regard to supporting the amendment.

Third, a letter from R. B. Wilson, market service director, of Purdue University at Lafayette, Ind., addressed to the House Committee on Agriculture—apparently they thought the matter was already in conference.

Fourth, a letter from the Commissioner

of Agriculture of the State of Montana to Representative POAGE, of Texas, to exactly the same effect.

Fifth, I see that the Senator from Virginia [Mr. BYRD] has not yet come into the Chamber. I close by citing that I have a copy of a telegram to him from the commissioner of agriculture of the State of Virginia, supporting the amendment. Let me read this part of it:

We and the industry were highly pleased with the position you took on Senator Holland's amendment to the Poultry Inspection Act. This is a realistic approach to federal-State programs. We hope the Senate will remain firm on the amendment.

Mr. President, I ask unanimous consent to have this material, except the letter to Senator HATFIELD, printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JULY 29, 1968.

Senator SPESSARD L. HOLLAND,
Senator B. EVERETT JORDAN,
Representative ROMAN L. HRUSKA:

As representative of livestock and poultry producers we are for the highest possible quality standards for fed meat, poultry, and poultry products. We believe such high standards can be achieved through cooperation of the Federal Government with State inspection agencies. We support legislation to strengthen State meat and poultry inspection systems and if State inspection is comparable to Federal standards for wholesomeness we believe that such products should be permitted to move in interstate commerce. We support the language in S. 2932 to accomplish this objective.

JOHN C. LYNN,
Legislative Director,
American Farm Bureau Federation.

DEPARTMENT OF AGRICULTURE,
Helena, Mont., July 26, 1968.

Hon. W. R. POAGE,
House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE POAGE: Reference is made to H.R. 16363 the Poultry Bill which has passed the House and is now in Conference Committee.

The amendment by the Senate Agricultural Committee provides for the movement of state inspected poultry in interstate commerce. This amendment is most necessary if we are going to have a truly federal-state cooperative inspection system. This same provision should most certainly be added to the Wholesome Meat Act, P.L. 90-201. In the best interests of producers, consumers and federal-state relations, may I earnestly solicit your favorable consideration for this Senate passed amendment.

Sincerely yours,

C. LOWELL PURDY,
Commissioner of Agriculture.

PURDUE UNIVERSITY,
COOPERATIVE EXTENSION SERVICE,
Lafayette, Ind., July 26, 1968.

Hon. JOHN T. MYERS,
House Committee on Agriculture,
Rayburn Office Building,
Washington, D.C.

Hon. JOHN T. MYERS: The Senate Agriculture Committee has approved the House-passed Poultry bill, H.R. 16363, with amendment. The amendment will provide for State-inspected poultry products to move in interstate commerce. This, in a nutshell, is the amendment that the National Association of State Departments of Agriculture has sought by way of resolution to the Congress in the Wholesome Meat Act, and by NASDA's President Trenhalle's testimony before the

recent poultry hearings on S. 2846, S. 2932, S. 3383, and H.R. 16363.

I am on the Board of Directors of NASDA and represent Indiana. I feel the necessity of retaining this amendment in the Poultry Products Act, H.R. 16363 and urge the same provision in the Wholesome Meat Act, P. L. 90-201. This is also the feeling of the Indiana State Board of Health, which administers the Meat Inspection Law in Indiana. Any assistance you can give will be appreciated.

If you need additional copies of the brochure, "Midwest Agribusiness" which was published by the Midwest Association of State Departments of Agriculture and which I sent to you recently, please don't hesitate to let me know.

With personal regards,

R. B. WILSON,
Market Service Director.

VIRGINIA DEPARTMENT OF AGRICULTURE AND COMMERCE,

July 23, 1968.

Hon. HARRY F. BYRD, Jr.,
U.S. Senate, Washington, D.C.

We and the industry were highly pleased with the position you took on Senator Holland's amendment to the Poultry Inspection Act. This is a realistic approach to federal-state programs. We hope the Senate will remain firm on the amendment. The Agriculture Committee on the Council of State Governments, meeting in Biloxi, Mississippi, July 23, 1968, has resolved that Senator Holland's amendment, which will apply to both poultry and red meat inspection is highly desirable and in the best interest of the consuming public and agriculture. Please advise if we can be of assistance.

MAURICE B. ROWE,
Commissioner of Agriculture.

Mr. HATFIELD. Mr. President, I have received only this morning a letter from Mr. Walter Leth, director of Oregon's Department of Agriculture, in support of the Holland amendment in the bill. Because it states the argument very briefly and forthrightly, I ask permission that the letter be entered in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

STATE OF OREGON,
DEPARTMENT OF AGRICULTURE,
Salem, July 24, 1968.

Hon. MARK O. HATFIELD,
Senate Office Building,
Washington, D.C.

DEAR MARK: We have been meeting on several occasions with the Legislative Interim Committee on Agriculture here in our State and there is very strong prospects that certain legislators will recommend discontinuing the State Meat Inspection Program unless State inspected meats can travel in interstate commerce when compliance with Federal regulations is met and which we are now in the process of doing.

There is little value to either the meat inspection or the poultry inspection programs at the State level if they do not offer the same privileges of interstate movement as now is permitted only under Federal inspection programs. If our State, or any other State, qualifies under the Federal Acts it seems that those plants meeting such requirements should be just as eligible to move their products in interstate commerce as those meeting Federal standards and accepted under Federal inspection only.

We have previously written you relative to our stand on the foreign meat importation issue which relates in the same manner and which permits foreign meats to move in interstate commerce without having the same inspection standards as are provided at the State level.

We are informed that you have opposed the Senate amendment permitting State inspected products to move in interstate commerce. We would hope that for the above reasons you would support our position and recommendations.

If there is additional information that we can supply you we certainly will be pleased to make it available.

Sincerely yours,

WALTER LETH,
Director, State Department of Agriculture.

Mr. HATFIELD. However, Mr. President, though the State of Oregon has an excellent meat inspection system, it seems to me that until the States wishing to inspect for interstate shipment, have demonstrated in fact as well as theory that they have qualified as having meat and poultry inspection programs at least equal to the Federal programs, the Federal meat and poultry inspection laws should continue to limit State-inspected meat and poultry to intrastate movement.

As stated in the minority report on S. 2932:

These provisions would endanger the present Federal inspection programs with respect to both poultry and meat products and threaten the uniformity of inspection at a time when the records before the committees of Congress with respect to both of these areas indicate the need for substantial accomplishment under Federal and State cooperation before it can be expected that full protection of the consumer public with respect to all poultry and meat products can be achieved. Few States presently have any type of inspection program with respect to poultry and those few that do fall far short of being at least equal to the Federal program.

The cooperative program provided under the Wholesome Meat Act is in its infancy and it is too early to anticipate attainment of the end objective thereof which certainly is a prerequisite to any serious consideration of provisions such as those here referred to. It is questionable that these amendments could in any event be meaningful in the immediate future.

Under such proposed provisions until such time as a comprehensive State program applicable to all meat and poultry produced and distributed within a State at least equal to the Federal program is effectively administered in a State, substantial Federal supervision would be an essential condition of approval of an establishment if the consumer was to receive the protection contemplated by the acts and if the integrity of the Federal programs were to be maintained.

Under the language of these provisions it would appear that although such a comprehensive State program did not prevail, an individual establishment in a State upon the basis that at least equal State requirements were being administered with respect to the processing within the establishment could apply for approval and be approved for the movement of its product in interstate commerce. Under these circumstances it would be extremely difficult to insure that adulterated or misbranded products did not move in interstate commerce.

It is true that both the meat inspection law and the proposed poultry inspection legislation call for State programs which are at least equal to the Federal inspection. But these provisions will not mean that State programs will be as totally effective as the Federal one in every aspect. There will be variations in the provisions and in the enforcement from State to State and between the State and Federal programs.

We believe that taking such congressional

actions now, while many plants are making preparations to meet the new requirements and many States are changing their inspection programs, can only sow confusion and doubt about how rigorous and how meaningful a consumer-protection program Congress really wants.

Any plant shipping into interstate commerce can get Federal inspection free of charge right now providing it meets the requirements. There is no reason to begin a competition between the Federal program and the State ones on which can attract more clients. We can foresee conditions existing which will entice unscrupulous producers and processors to shop around for the States with the least rigid enforcement practices where they can establish plants free from the effective Federal inspection thus exposing not only the consumers within the State but throughout the Nation to possible unwholesome meat and poultry products. The confidence of the consumer would be destroyed and the industry would be the loser.

Mr. MONTROYA. Mr. President, I yield 30 seconds to the Senator from Delaware [Mr. WILLIAMS].

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. WILLIAMS of Delaware. Mr. President, I rise to support the Montoya amendment. As one of the authors of the original Federal Poultry Inspection Act, I think it would be a step backward to now turn the inspection service over to the States. In the interest of maintaining a sound poultry inspection service giving adequate protection to the American consumer, we should support the Montoya amendment. I express my strong support for this important amendment and urge its adoption by the Senate.

Mr. MONTROYA. Mr. President, I yield 10 seconds to the Senator from Delaware [Mr. BOGGS].

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BOGGS. Mr. President, it would be a backward step, in my view, to allow inspection of poultry and red meat by State inspectors to take the place of Federal inspection for poultry and meat in interstate commerce. This is the effect of subsection 5(c) (5) and section 20 of the Wholesome Poultry Products Act now under consideration.

It can be argued that the State inspectors would be meeting the standards set by Federal law, and that therefore what they passed as suitable for consumption would be the equal of that meat which received inspection by Federal personnel.

In practice, however, such a system might well lead to varying degrees of inspection. Thus, if the practices in different States did vary, this would pose a danger to the consumer. It could result in some meatpackers setting up plants where the inspection practices were a little less rigid and States in competition for meat business would be under some pressure.

In brief, the present uniformity of inspection would be lost. Doubts would rise in the minds of consumers about the quality of the meats they were buying.

Mr. President, I would like to compliment the poultry industry generally for its great help in developing sound and effective legislation in this field. The poultry industry is concerned with continuing to give the public a pure and wholesome product not only because that is

good for their business but in the larger interest of the American consumer as well.

In the interest of a firm and fair law, I support the amendment offered by the Senator from New Mexico.

Mr. MONTROYA. Mr. President, on this amendment I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MONTROYA. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Mexico. All time on the amendment has been yielded back or has expired. The yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. HICKENLOOPER (after having voted in the affirmative). On this vote I have a pair with the Senator from Nebraska [Mr. HRUSKA]. If he were present and voting, he would vote "nay"; if I were permitted to vote, I would vote "yea." Therefore, I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Idaho [Mr. CHURCH], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Tennessee [Mr. GORE], the Senator from Alaska [Mr. GRUENING], the Senator from Arizona [Mr. HAYDEN], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Missouri [Mr. LONG], the Senator from Louisiana [Mr. LONG], the Senator from Minnesota [Mr. McCARTHY], the Senator from South Dakota [Mr. McGOVERN], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Oregon [Mr. MORSE], the Senator from Florida [Mr. SMATHERS], and the Senator from New Jersey [Mr. WILLIAMS] are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska [Mr. BARTLETT], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Alaska [Mr. GRUENING], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Oregon [Mr. MORSE], and the Senator from New Jersey [Mr. WILLIAMS] would each vote "yea."

Mr. KUCHEL. I announce that the Senators from Vermont [Mr. AIKEN] and Mr. PRUTY are absent on official business.

The Senator from Pennsylvania [Mr. SCOTT] is absent by leave of the Senate.

The Senator from Kansas [Mr. CARLSON], the Senator from Kentucky [Mr. MORTON], the Senators from Illinois [Mr. DIRKSEN and Mr. PERCY], the Senator from Wyoming [Mr. HANSEN], the Senator from Nebraska [Mr. HRUSKA], the Senator from Iowa [Mr. MILLER], and the Senator from Texas [Mr. TOWER] are necessarily absent.

The Senator from Michigan [Mr. GRIFFIN] is detained on official business. If present and voting, the Senator from Illinois [Mr. DIRKSEN] would vote "yea."

On this vote, the Senator from Illinois [Mr. PERCY] is paired with the Senator from Iowa [Mr. MILLER]. If present and voting, the Senator from Illinois would vote "yea" and the Senator from Iowa would vote "nay."

On this vote, the Senator from Penn-

sylvania [Mr. SCOTT] is paired with the Senator from Texas [Mr. TOWER]. If present and voting, the Senator from Pennsylvania would vote "yea" and the Senator from Texas would vote "nay."

The position of the Senator from Nebraska [Mr. HRUSKA] has been previously announced.

The result was announced—yeas 52, nays 19, as follows:

[No. 246 Leg.]

YEAS—52

Anderson	Hart	Mundt
Baker	Hartke	Muskie
Bayh	Hatfield	Nelson
Bible	Hollings	Pastore
Boggs	Inouye	Pearson
Brewster	Jackson	Pell
Brooke	Javits	Proxmire
Burdick	Jordan, N.C.	Randolph
Byrd, W. Va.	Kuchel	Ribicoff
Cannon	Lausche	Smith
Case	Magnuson	Symington
Clark	Mansfield	Tydings
Cooper	McGee	Williams, Del.
Cotton	McIntyre	Yarborough
Dodd	Metcalf	Young, N. Dak.
Ervin	Mondale	Young, Ohio
Fong	Montoya	
Harris	Moss	

NAYS—19

Allott	Fannin	Sparkman
Bennett	Hill	Spong
Byrd, Va.	Holland	Stennis
Curtis	Jordan, Idaho	Talmadge
Dominick	McClellan	Thurmond
Eastland	Murphy	
Ellender	Russell	

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—1

Hickenlooper, for.

NOT VOTING—27

Aiken	Hansen	Monroney
Bartlett	Hayden	Morse
Carlson	Hruska	Morton
Church	Kennedy	Percy
Dirksen	Long, Mo.	Prouty
Fulbright	Long, La.	Scott
Gore	McCarthy	Smathers
Griffin	McGovern	Tower
Gruening	Miller	Williams, N.J.

So Mr. MONTROYA's amendment was agreed to.

Mr. MONDALE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MONTROYA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. McIntyre in the chair). The bill is open to further amendment.

Mr. HOLLAND. Mr. President, I am ready to vote on the bill.

The PRESIDING OFFICER. The Senate will be in order.

Mr. ELLENDER. I ask for the regular order. Let us vote on the bill.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill (S. 2932) was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

Mr. HOLLAND. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. PASTORE. Mr. President, I should like to ask the manager of the bill a question about one of the amendments. I have received correspondence from some of our poultry people in Rhode Island who are small producers, in the sense that their activity is very small. I understand that the exemption in the bill was up to \$15,000 a year, which was a very nominal amount, but that the Senator from Vermont [Mr. AIKEN] offered an amendment that would modify that provision. Could the Senate have an explanation of what the Aiken amendment does?

Mr. MONTROYA. Yes. The Senator from Vermont offered an amendment to the bill which would provide for redefinition of the limitation under which the Secretary of Agriculture could make an exemption. Originally, the bill contained an exemption of products amounting to a value of \$15,000. The Aiken amendment converted that provision from terms of dollars to terms of numbers of chickens and turkeys—4,000 turkeys, or at the rate of 4.5 other birds for each turkey.

Mr. PASTORE. What is the effect of the amendment? I know that is a lot of chickens and turkeys, but what does the amendment do?

Mr. MONTROYA. It exempts small operators who process fewer than 4,000 turkeys, or the equivalent in other birds at the rate of 4.5 for each turkey.

Mr. PASTORE. In other words, the small processor would be exempt.

Mr. MONTROYA. That is correct.

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that the following communications concerning the Montoya amendment to the poultry inspection bill be printed at this point in the RECORD: telegrams from Frank Frazier, executive vice president, National Broiler Council; James H. Pluss, manager, Pluss Texas Poultry, Lufkin, Tex.; Roy Herider of Center, Tex.; a letter from Andrew J. Biemiller, director, department of legislation, AFL-CIO; and this morning's Washington Post editorial—all in favor of passage of the Montoya amendment, the effect of which is to insure that the vast majority of poultry and red meat consumed by the American public is clean and wholesome. Notice particularly that the National Broiler Council, a group interested in promoting poultry products, is in favor of high standards of inspection of meat that moves in interstate commerce. They are in favor of this amendment because they know that the public wants clean meat for consumption; and high standards of inspection will help to sell more poultry.

I voted for passage of Senator Montoya's amendment because of two compelling reasons: First, the consuming public has a right to know that the poultry and red meat that it consumes is fit and wholesome; and, second, this bill is good for the poultry and red meat industry because it gives the consumer confidence in the two meats as food thereby increasing sales.

There being no objection, the com-

munications were ordered to be printed in the RECORD, as follows:

WASHINGTON, D.C.,
July 26, 1968.

Senator RALPH YARBOROUGH,
Senate Office Building,
Washington, D.C.:

Strongly urge you support passage of poultry inspection bill with Montoya amendments on exemptions and deleting section 5-C-5 so that only chicken from federally inspected plants could move in interstate commerce.

FRANK FRAZIER,
Executive Vice President, National
Broiler Council.

LUFKIN, TEX.,
July 26, 1968.

Senator RALPH YARBOROUGH,
Senate Office Building,
Washington, D.C.:

Please pledge your support for the Senator Montoya's amendment calling for deletion of Section 5-C-5.

JAMES H. PLUSS,
Pluss Tex Poultry.

CENTER, TEX.,
July 26, 1968.

Senator RALPH YARBOROUGH,
Senate Building,
Washington, D.C.:

Imperative for well-being of entire poultry industries urge most strongly that you support Senator Montoya amendment calling for deletion of Section 5-(C)-5 which would authorize the interstate shipment of poultry from State inspected plants and modification of amendments on exemption as it confirms with National Broiler Council executive committee recommendation.

ROY HERIDER.

AMERICAN FEDERATION OF LABOR &
CONGRESS OF INDUSTRIAL ORGANIZATIONS,
Washington, D.C., July 23, 1968.

Hon. RALPH YARBOROUGH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: The AFL-CIO strongly supports strong, effective poultry inspection legislation. As you know, the AFL-CIO wholeheartedly supported the meat inspection law enacted in the 1967 session of the 90th Congress.

Unfortunately, three changes made by the Senate Agriculture Committee in the House-passed inspection bill, H.R. 16363, would seriously undermine and weaken vital consumer protection programs. They would even jeopardize the existing meat and poultry inspection program and they would make the proposed poultry inspection program worse than ineffective.

One change would require an impossible burden of proof for condemnation of unfit poultry products.

A second change—weakening both meat and poultry inspection programs—would undermine present federal inspection by permitting state-inspected plants to ship poultry products into interstate commerce.

A third change widens an unfortunate exemption in the House-passed bill to allow millions of pounds of poultry to go into intra-state and interstate commerce without any inspection for wholesomeness and sanitation.

We urge you to oppose these three provisions. Without these three amendments, the bill approved by the Senate Agriculture Committee will protect consumers effectively, but if these amendments are kept, the new poultry inspection bill would be a big step backward and would seriously harm consumers.

Sincerely yours,
ANDREW J. BIEMILLER,
Director, Department of Legislation.

[From the Washington Post, July 29, 1968]

CHICKEN STANDARDS

The Senate will have the opportunity today to do its part in bringing poultry inspection standards up to a level where they should be in a nation that is hoping to send a man to the moon before the end of the year. Currently, the standards across the country for inspecting poultry sold within the states where it is produced are either uneven, low or non-existent. And in some cases, as Senator Montoya told the Senate Saturday, poultry is processed in "repulsive . . . primitive conditions." The wholesome poultry bill, which has passed the House and is now before the Senate in substantially the same form, would be a giant step toward eliminating those conditions. Under the provisions of the bill, states may set up inspection systems to operate in intrastate commerce, if they comply with Federal standards that control interstate poultry sales. The bill ought to be passed intact without two amendments that threaten its effectiveness.

The first crippling amendment, introduced by Senator Holland of Florida, is particularly dangerous. It would allow the sale everywhere in the Nation of red meat as well as poultry products which have been passed by a system of state inspection certified as at least equal to the Federal system. One difficulty with the Holland amendment is that once Federal certification is obtained it may not be maintained. The state standards may fall below the Federal level, permitting rotten meats and poultry to be sold across state lines before the lax standards can be corrected. The danger is that it encourages subtle competition among the states by lowering standards to attract meat and poultry processing plants.

The second amendment, sponsored by Senator Talmadge of Georgia, places an obstacle in the way of quickly condemning a diseased carcass of a fowl by requiring an inspector to have "substantive scientific fact" before he can declare the carcass unfit for human consumption.

For most of us, of course, poultry means chicken and turkey, but many Americans have active tastes for duck and goose. All told, about 11.5 billion pounds of poultry are commercial processed each year in the Nation. And under present regulations, according to Mr. Montoya, every American "based on the law of averages, is likely to have a diseased, contaminated, or adulterated poultry product served to him during the year. This is not only unnecessary but completely unpardonable in our modern, technologically advanced society." The Senator is absolutely right.

Mr. ELLENDER. Mr. President, I move that the Committee on Agriculture and Forestry be discharged from further consideration of H.R. 16363.

The motion was agreed to.

Mr. ELLENDER. I move that the Senate now proceed to the consideration of that bill.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Louisiana.

The motion was agreed to, and the Senate proceeded to consider the bill (H.R. 16363) to clarify and otherwise amend the Poultry Products Inspection Act, to provide for cooperation with appropriate State agencies with respect to State poultry products inspection programs, and for other purposes.

Mr. ELLENDER. Mr. President, I move to strike all after the enacting clause of H.R. 16363, and insert in lieu thereof the language of S. 2932, as amended.

The PRESIDING OFFICER. The ques-

tion is on agreeing to the motion of the Senator from Louisiana.

The motion was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment in the nature of a substitute.

The amendment was agreed to.

The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. ELLENDER. Mr. President, I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Idaho [Mr. CHURCH], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Tennessee [Mr. GORE], the Senator from Alaska [Mr. GRUENING], the Senator from Arizona [Mr. HAYDEN], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Missouri [Mr. LONG], the Senator from Louisiana [Mr. LONG], the Senator from Minnesota [Mr. McCARTHY], the Senator from South Dakota [Mr. McGOVERN], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Oregon [Mr. MORSE], the Senator from Florida [Mr. SMATHERS], and the Senator from New Jersey [Mr. WILLIAMS] are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska [Mr. BARTLETT], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Alaska [Mr. GRUENING], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Oregon [Mr. MORSE], and the Senator from New Jersey [Mr. WILLIAMS] would each vote "yea."

Mr. KUCHEL. I announce that the Senators from Vermont [Mr. AIKEN and Mr. PROUTY] are absent on official business.

The Senator from Pennsylvania [Mr. SCOTT] is absent by leave of the Senate.

The Senator from Kansas [Mr. CARLSON], the Senator from Kentucky [Mr. MORTON], the Senators from Illinois [Mr. DIRKSEN and Mr. PERCY], the Senator from Wyoming [Mr. HANSEN], the Senator from Nebraska [Mr. HRUSKA], the Senator from Iowa [Mr. MILLER], and the Senator from Texas [Mr. TOWER] are necessarily absent.

If present and voting, the Senator from Illinois [Mr. DIRKSEN], the Senator from Iowa [Mr. MILLER], the Senator from Illinois [Mr. PERCY], the Senator from Pennsylvania [Mr. SCOTT], and the Senator from Texas [Mr. TOWER] would each vote "yea."

The result was announced—yeas 73, nays 0, as follows:

[No. 247 Leg.]

YEAS—73

Allott	Bennett	Brooke
Anderson	Bible	Burdick
Baker	Boggs	Byrd, Va.
Bayh	Brewster	Byrd, W. Va.

Cannon
Case
Clark
Cooper
Cotton
Curtis
Dodd
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Griffin
Harris
Hart
Hartke
Hatfield
Hickenlooper
Hill
Holland

Hollings
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kuchel
Lausche
Magnuson
Mansfield
McClellan
McGee
McIntyre
Metcalf
Mondale
Montoya
Moss
Mundt
Murphy
Muskie
Nelson

Pastore
Pearson
Pell
Proxmire
Randolph
Ribicoff
Russell
Smith
Sparkman
Spong
Stennis
Symington
Talmadge
Thurmond
Tydings
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

NAYS—0

NOT VOTING—26

Aiken
Bartlett
Carlson
Church
Dirksen
Fulbright
Gore
Gruening
Hansen

Hayden
Hruska
Kennedy
Long, Mo.
Long, La.
McCarthy
McGovern
Miller
Monroney

Morse
Morton
Percy
Prouty
Scott
Smathers
Tower
Williams, N.J.

So the bill (H.R. 16363) was passed.

Mr. HOLLAND. Mr. President, at the request of the Senator from Louisiana, I move that the Senate insist upon its amendments and request a conference with the House of Representatives, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. ELLENDER, Mr. HOLLAND, Mr. TALMADGE, Mr. MONTOYA, Mr. AIKEN, Mr. YOUNG of North Dakota, and Mr. Boggs conferees on the part of the Senate.

Mr. ELLENDER. Mr. President, I move that S. 2932 be indefinitely postponed.

The motion was agreed to.

Mr. MONDALE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. METCALF. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, with the Senate's wide approval of the poultry inspection measure, the Senator from Louisiana [Mr. ELLENDER] has added another outstanding achievement to his already abundant record. As the chairman of the Committee on Agriculture and Forestry, he has worked diligently and ably to obtain constructive legislation that benefits not only the farmers of this Nation but, as this proposal amply testifies, measures that enhance the consumers' interest as well. We are deeply in his debt.

The Senator from New Mexico [Mr. MONTOYA] and the Senator from Minnesota [Mr. MONDALE] are equally to be commended for their strong advocacy of this measure. The so-called Montoya amendment was urged by both Senators with clear and persuasive arguments—arguments that assured its acceptance by the Senate.

The Senator from Georgia [Mr. TALMADGE] and the Senator from Florida [Mr. HOLLAND] are to be praised for their significant contributions. They and other Senators joined to make certain a debate of the highest caliber. The Senate may be proud of another fine achievement obtained swiftly and with full con-

sideration for the views of every member.

MESSAGES FROM THE PRESIDENT— APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that the President had approved and signed the following acts:

On July 24, 1968:

S. 660. An act granting the consent of Congress to a Great Lakes Basin compact, and for other purposes.

S. 1260. An act to amend the Northwest Atlantic Fisheries Act of 1950 (Public Law 81-845); and

S. 3245. An act to extend for an additional 3 years the authorization of appropriations under the State Technical Services Act of 1965.

On July 26, 1968:

S. 752. An act to amend sections 203(b) (5) and 226 of the Interstate Commerce Act, as amended, and for other purposes;

S. 1418. An act to make several changes in the passport laws presently in force; and
S. 1752. An act to amend the act prohibiting fishing in the territorial waters of the United States and in certain other areas by vessels other than vessels of the United States and by persons in charge of such vessels.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE— ENROLLED BILLS SIGNED

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the Speaker has affixed his signature to the following enrolled bills:

S. 450. An act to provide for the popular election of the Governor of the Virgin Islands, and for other purposes; and

S. 3497. An act to assist in the provision of housing for low and moderate income families, and to extend and amend laws relating to housing and urban development.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 16086. An act to amend the act of August 25, 1959 (73 Stat. 420), pertaining to the affairs of the Choctaw Tribe of Oklahoma (Rept. No. 1481).

By Mr. TYDINGS, from the Committee on the District of Columbia, with an amendment:

S. 1534. A bill to amend the Street Readjustment Act of the District of Columbia so as to authorize the Commissioners of the District of Columbia to close all or part of a street, road, highway, or alley in accordance with the requirements of an approved redevelopment or urban renewal plan, without regard to the notice provisions of such act, and for other purposes (Rept. No. 1482).

beings must cease, and equal opportunities must be available to all. But with these needed changes (and tremendous progress is being made in this direction), respect for law and law enforcement must be maintained.

This is no plea for maintaining the status quo. It is a plea for recognition that the blindness and unconcern of the dominant segment of our society must be completely changed. And on the other hand, it is an affirmation that any status and rights gained through civil disorder will be gained at too high a price.

Two centuries ago Edmund Burke, the great English statesman, gave this warning: "Men are qualified for civil liberties in exact proportion to their disposition to put moral chains upon their own appetites. . . . Society cannot exist unless a controlling power upon will and appetite is placed somewhere, and the less of it there is within, the more there must be without. It is ordained in the eternal constitution of things that men of intemperate minds cannot be free. Their passions forge their fetters."

In medicine there is a condition known as "generalized carcinomatosis," which, in layman's language, means cancer that has spread over the entire body. At that stage there is no known cure.

The lawlessness that has entered our national life through civil disobedience—a concept having the approval of most of the major denominations—can prove to be the moral cancer that will destroy our country.

This is a plea to churchmen, who will be meeting during the coming months, to take stock of what has been loosed upon the land. Civil disobedience is not the "harmless gesture of protest" it was once said to be. Rather, it has grown into a monster of disorder, riots, and general lawlessness that is eating at the vitals of our national life. It is proving as senseless—and as devastating—as the proverbial "burning down the barn to get rid of the rats."

Some of our most distinguished jurists and law-makers have deplored the actions of various church courts in condoning civil disobedience. Sufficient time has now elapsed to assess the damage; one has but to open his daily newspaper to realize that we totter on the brink of open rebellion.

Responsible law-makers must do everything they can to eliminate injustice, discrimination, and humiliation. At the same time, those who administer the law must be supported at all costs.

The alternative is national disaster.

L. NELSON BELL.

A TRUE PUBLIC SERVICE

Mr. MONTTOYA. Mr. President, from time to time an intolerable situation comes to light that affects the consumers of this Nation. This has been the case in recent weeks regarding unwholesome poultry which has been reaching American consumers in recent years.

When such a situation is brought to light, it is incumbent upon this body to act on behalf of the consumer, and in no uncertain terms. This we have done, to the credit of this body and safety of the consumer.

A spur to this type of action is always provided by an alert public and an aroused and public spirited press. In a time when many people in public life make it a point to decry our mass media, there are too few who give proper credit where credit is due.

In this case we were faced with an intolerable situation that posed a clear danger to the public. Much of the Na-

tion's press leaped to expose this situation, placing it in the glare of public scrutiny where it belonged.

As a result of this type of public-service-motivated activity, the long-overdue reform that was placed in jeopardy was rescued from obscurity and perhaps defeat.

There are times when I too am saddened by irresponsibility on the part of mass media. But such was not the case this time. Newspapers of this city did themselves and the public interest proud by their activities. Their exposure of the situation existing regarding unwholesome poultry in the United States did much to allow us to pass a bill that will go far towards lifting this shadow from the tables of America's consumers.

One of the editorials that came at a most opportune time appeared in the Washington Post. I offer it now for inclusion in the RECORD with my heartiest thanks to that paper for a job well done on behalf of the public.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

CHICKEN STANDARDS

The Senate will have the opportunity today to do its part in bringing poultry inspection standards up to a level where they should be in a nation that is hoping to send a man to the moon before the end of the year. Currently, the standards across the country for inspecting poultry sold within the states where it is produced are either uneven, low or non-existent. And in some cases, as Senator Montoya told the Senate Saturday, poultry is processed in "repulsive . . . primitive conditions." The wholesome poultry bill, which has passed the House and is now before the Senate in substantially the same form, would be a giant step toward eliminating those conditions. Under the provisions of the bill, states may set up inspection systems to operate in intrastate commerce, if they comply with Federal standards that control interstate poultry sales. The bill ought to be passed intact without two amendments that threaten its effectiveness.

The first crippling amendment, introduced by Senator Holland of Florida, is particularly dangerous. It would allow the sale everywhere in the Nation of red meat as well as poultry products which have been passed by a system of state inspection certified as at least equal to the Federal system. One difficulty with the Holland amendment is that once Federal certification is obtained it may not be maintained. The state standards may fall below the Federal level, permitting rotten meats and poultry to be sold across state lines before the lax standards can be corrected. The danger is that it encourages subtle competition among the states by lowering standards to attract meat and poultry processing plants.

The second amendment, sponsored by Senator Talmadge of Georgia, places an obstacle in the way of quickly condemning a diseased carcass of a fowl by requiring an inspector to have "substantive scientific fact" before he can declare the carcass unfit for human consumption.

For most of us, of course, poultry means chicken and turkey, but many Americans have active tastes for duck and goose. All told, about 11.5 billion pounds of poultry are commercially processed each year in the Nation. And under present regulations, according to Mr. Montoya, every American "based on the law of averages, is likely to have a disease, contaminated, or adulterated poultry product served to him during the year. This is not only unnecessary but com-

pletely unpardonable in our modern, technologically advanced society." The Senator is absolutely right.

THE SENATE SHOULD ADDRESS ITSELF TO THE QUALIFICATIONS OF THE TWO SUPREME COURT NOMINATIONS

Mr. CLARK. Mr. President, the discussion following President Johnson's nomination of Justice Abe Fortas to be Chief Justice of the United States and Judge Homer Thornberry to be Associate Justice of the Supreme Court has ranged all the way from profound constitutional questions to partisan political polemics.

When all is said and done, though, the fundamental issue that remains is whether these two men are qualified for the positions to which they have been named in accordance with the Constitution, this matter is for the Senate to determine.

Unfortunately, we seem to digressing from this central issue, and such action serves neither the Senate interests as an institution nor the national interest as a whole. I should like to quote from some recent editorials on this subject from newspapers in various sections of the country.

From the Christian Science Monitor:

There is something excessive about the fuss which senators are making over the appointment of Justice Abe Fortas as Chief Justice of the United States. It would be hard to make a persuasive case that he is not qualified for this awesome post.

From the Los Angeles Times:

Legitimately, however, it seems clear that only one issue should determine Senate action in these cases: is there real cause for rejecting one or both of the nominees?

From Newsday:

If these hearings were based upon valid objections to the elevation of Justice Fortas to the post now held by Chief Justice Warren, the length of time involved would be wholly unimportant. To the contrary, they are based, simply, upon the tactics of harassment and delay.

From the New York Post:

From the start, most of the attack on President Johnson's designation of Abe Fortas as Chief Justice of the Supreme Court has been a shabby performance.

From the Cleveland Plain Dealer:

The questioning of Justice Abe Fortas of the United States Supreme Court by members of the Senate Judiciary Committee did not bring out any solid evidence to preclude, by itself, confirmation of Fortas as chief justice.

From the Fargo, N. Dak., Forum:

Senate has no valid reason to hold up Okay of Fortas.

From the Chicago Daily News:

The continuity of the court—its constant readiness to perform its vital job in any emergency—is essential to the well-being of the nation. The President who takes office next January will have exactly the same responsibility to the court that President Johnson has now—to make sure that it is fully manned and functioning throughout his term.

From the Philadelphia Sunday Bulletin:

Senators are entitled to their opinions but their function does not include imposing constitutional judgments on the court. Congress may limit the court's jurisdiction. It may pass new laws. It may, if it can find grounds, impeach justices. The Constitution may be changed. But Congress may not and individual senators may not, supplant the court.

I believe that it is time for the Senate to live up to its reputation as "the world's greatest deliberative body" and to fulfill its constitutional responsibility with respect to the two Supreme Court nominations.

AIRPORT HELICOPTER SERVICE

Mr. BIBLE. Mr. President, as the chairman of the Committee on the District of Columbia, I have a continual interest in any measures which may be taken to bring about a more integrated and efficient transportation system for the District of Columbia and its metropolitan area. As every Member of the Senate is well aware from his own experience, each day that passes without the introduction of some improved means of expedited travel into and out of the city means another day of increasing congestion for the Nation's Capital. As the existing modes of surface transportation get progressively slower and more inconvenient with no breakthrough promised until the establishment of an adequate areawide rapid transit system, more and more commuters turn to the readily available automobile as their means of entering and leaving the downtown area. In consequence, the highways become more crowded.

Mr. President, the present rapid transit and highway plans for improving surface transportation into and out of the Nation's Capital will take years to accomplish, and it is incumbent on those of us concerned with the transportation problems of the District to look to other available means of relieving congestion. Probably the most practical source for such relief in the present circumstances is the authorization of a transport helicopter service, which would overfly our crowded highways and carry its passengers directly by air from point of origination to point of destination. Such a service could be operated from a downtown heliport to each of the three airports now serving the Washington area, namely, National, Dulles, and Friendship. This service, by making flights at the outlying airports more attractive to the air traveler, would bring about some immediate relief to the problem of ground and air congestion at Washington's in-town National Airport. To the extent that Dulles and Friendship Airports are brought closer to the city in terms of time and convenience, the airlines will be encouraged to transfer jet flights out of National and the problem of noise and air pollution over the city will be abated accordingly.

Furthermore, Dulles may begin to get some of the use to which its superior facilities entitle it, so that the Government may begin to realize some return on its \$109 million investment there. I am told that the airport presently loses about \$6 million yearly in its operations, while

National earns over \$2 million per year in profits.

Mr. President, Congress has recognized the problem of traffic congestion in the Nation's Capital and has further recognized the utility of helicopter service as at least a partial solution to the problem by enacting into law a provision which directs the Administrator of General Services to establish a permanent heliport for the District of Columbia on the site of the present Union Station. This law, Public Law 90-264, also authorizes the establishment of a National Visitors Center at the site, which would provide a colorful and instructive introduction to the city for all travelers and would serve as a transportation center as well. It is contemplated that helicopter service will play a vital role at the Center, along with the subway system and shuttle bus transportation.

In contrast to other prospective solutions to our access difficulties, airport helicopter transport service requires only a Civil Aeronautics Board authorization to get started. No Federal support at all need be involved. Once begun, service to, from, and between the airports can be expanded to include service to downtown Baltimore and to suburban points. In time, the service might benefit not only air travelers, but commuters to and from the city, as well.

Mr. President, I do not anticipate that helicopter service can provide any comprehensive solution to the problems related to the mass movements of people into and out of our Capital City. But airport helicopter service offers at least a partial and immediate solution. I think we should be ever vigilant to encourage such developments.

I understand that a number of parties have applied to the Civil Aeronautics Board for authority to operate such a service—at no cost to the Government. I hope the Board will help to facilitate access to the Nation's Capital by authorizing such a service.

ECONOMIC DEVELOPMENT ADMINISTRATION AND RURAL DEVELOPMENT

Mr. JAVITS. Mr. President, when we consider the myriad problems of our cities, we should not lose sight of one of the root causes of these problems—changing technology that has eliminated agricultural jobs and displaced millions of ill-educated, untrained farm workers.

The trek of such unfortunate people from rural areas to central city slums over the last two decades has cost the Nation billions in welfare and social programs. The cost in human misery, in losses through crime and property deterioration in slum areas cannot even be estimated.

This migration to the cities is continuing, and, of course, we in Congress deal with the problems constantly. We are agreed, I believe, that the best solution would be to make it possible for the displaced farm families to find alternatives that would allow them to stay in their home regions.

Three years ago Congress acted to do something about this basic problem

when we passed the Public Works and Economic Development Act that led to the establishment in the Department of Commerce of the Economic Development Administration. We have in this agency a vehicle for helping lagging areas to stop and reverse the tide of in-migration that is inundating the cities.

Because of the job EDA is doing in getting people to work together to help themselves and because of the great promise its programs hold for the Nation, I should like to point to the growing need for funds for its operation.

EDA, under the direction of Assistant Secretary of Commerce Ross D. Davis, is helping economically lagging areas to reduce high rates of unemployment, raise family incomes and, most important, to stem the tide of out-migration. However, the agency is operating with less than half of the funds authorized by the 89th Congress.

The act provides \$810 million a year for the economic development program, but the bill under consideration would appropriate only \$274,740,000 for the fiscal year ending June 30, 1969.

EDA works with the people in more than 900 lagging areas in the planning and carrying out of projects to stimulate the growth of private industry and the creation of jobs.

One of the most promising aspects of the program is the linking together of several counties in an economic development district to help solve problems that cross political lines. A district can include economically healthy countries, as well as at least two with low income and unemployment problems. This has been quite effective in my own State of New York.

Development in a district revolves around a growth center—usually a city of not more than 250,000. The creation of industry in the growth centers will provide jobs and increased incomes for residents of the lagging areas in districts.

Because of the need for sound planning and preparation, the district program has been in operation for only 1 year; but already growth center projects to provide jobs for displaced farm families are under way.

The success of the economic development district program will help ease the burden on the cities and help revitalize the economies of the Nation's rural areas.

This success may be limited, however, because of the limited funds we are providing. While EDA's investment in economic development is intended to serve only as a catalyst, I feel that we should be cognizant of the financial handicap under which the agency is operating.

We will do well to maintain close liaison with EDA to assure that this vital agency has sufficient resources to sustain the economic development process it has ignited in so many of our depressed areas.

IN THE FINEST REFORM TRADITION

Mr. MONTROYA. Mr. President, throughout American history there have been times when a crying need for reform was evident. Always at such times there have emerged Americans con-

cerned with the manner in which our ideals were being warped. Their reform efforts throughout history have gone far toward enriching our lives, eliminating abuses from our land, and enhancing the American dream. Such has recently been the case once again.

The field of consumer protection is new, rapidly expanding and essential to the well-being of our citizenry. Each of us waxed indignant at revelations in many fields that showed all was not well in our American marketplace. Last year it was meat. This year it was poultry.

The thought of 26 diseases being passed from unwholesome poultry to people was not aimed at easing our worries. It was a time for action and reform on all levels. But public opinion must be roused. It was a time for probing for facts and revelation of those facts to the Nation at large.

The "Muckrakers" of old were the most honorable and meaningful group of reformers of a turbulent age of excess. Without the likes of Steffens, Tarbell, Adams, and McClure, we should have had anarchy in the land in the end. Their revelations brought about reform. These writers and reformers have left us a legacy that not only is not dead, but which showed enormous vitality recently to help the consumer.

The American press proved its vigor by showing in this poultry crisis that it was awake and alert to its public duty. One reporter in particular has shown he has the courage to face down vested interests in the name of public safety and the people.

I have read his articles with fascination and admiration for 10, these many months. He has scored an impressive triumph for the common people of this country by his articles on unwholesome poultry. He writes for the Washington Post and I refer of course to Morton Mintz. I enclose one of his articles on the poultry question for the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

**SOME PLANTS "REPULSIVE," SENATE TOLD:
POULTRY PROCESSING SCORED
(By Morton Mintz)**

Sen. Joseph M. Montoya (D-N.M.) told the Senate yesterday that some poultry and poultry products are processed in "repulsive . . . primitive conditions."

If the consumers knew about these conditions, Montoya added, "they would never pick up another piece of poultry again, except to chuck it out the back door for the vultures."

The Senator based his charges on an Agriculture Department survey last January of 97 plants which are not subject to Federal inspection. The plants are in Alabama, California, Florida, Georgia, Louisiana, Mississippi, Missouri, North Carolina, Ohio, South Carolina, Texas and Tennessee.

Montoya recited to the few Senators on hand a long list of conditions found in the survey, including fly and rodent infestation and "unbelievably filthy and stinking" picking rooms and equipment. In many of the plants, "production of sanitary products was impossible," he said.

Joined by Sen. Walter F. Mondale (D-Minn.), Montoya made the speech in an effort to rally support for a floor fight on Monday against an amendment to the whole-

some poultry bill sponsored by Sen. Spessard L. Holland (D-Fla.).

The amendment, opposed by the administration, would allow sale everywhere in the Nation of red meat as well as poultry products which have been passed by a system of State inspection certified as at least equal to the Federal system.

The amendment is opposed by all leading companies and organizations in the poultry and meat industries. The idea was proposed, Holland told the Senate yesterday, by State agriculture officials, some of whom are elected.

During almost three hours of debate yesterday, Holland and Sen. Harry F. Byrd Jr. (D-Va.), an ally who affirmed his support, repeatedly denounced the Agriculture Department for vacillating by first backing the amendment, but now opposing it.

In a statement yesterday, Betty Furness, Special Assistant to the President for Consumer Affairs, said, "I know it is a cliché, but I can only view with alarm a parliamentary effort to eviscerate the Wholesome Meat Act [of 1967] through an amendment to the poultry bill."

Montoya and Mondale told the Senate that the primary danger in the amendment is that it would incite States seeking processing plants to compete by lowering enforcement standards.

The poultry bill, of which Montoya is a principal sponsor, is intended to restrict interstate commerce to inspected, wholesome products and to help the States set up effective inspection programs for poultry sold within their boundaries.

Although 13 per cent—about 1.5 billion pounds a year—of poultry products are sold interstate, only four States have "active" inspection programs, Montoya said.

WORLD FOOD NEEDS

Mr. JAVITS. Mr. President, I have long been concerned about the increasing food needs of the world's population. If any war need be escalated, it is the war on hunger. It is up to the developed countries to take forceful action and to give the necessary impetus to the developing countries to develop self-help measures to improve agricultural production. We must take steps to export the techniques for developing new technology. Progress has been made in certain areas and the striking example of the development in Jalisco, Mexico, gives evidence and hope that a solution to the problem is possible. I should like to commend to Senators a speech by Nyle C. Brady, director of research, New York State College of Agriculture and Home Economics, Cornell University, an acknowledged expert in this field. His remarks, published in Illinois Research, winter 1968, are a succinct and concise statement of the problem. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD as follows:

TECHNOLOGICAL DEVELOPMENTS AND WORLD FOOD NEEDS

It has been suggested that America's agricultural technology can solve the food problems of the world. This technology has given us an abundance of food in the United States. Why shouldn't it work similar wonders elsewhere?

This quick solution has not worked, however, when it has been put to the test. With a few exceptions, the technology applicable

to our soils, climate, varieties, and animal breeds has generally failed when applied directly to the problems in tropical and subtropical countries.

However, the techniques of gaining new knowledge on which technology must be based are exportable. Our basic principles of research can be applied to filling present knowledge voids so that an agricultural technology can be created for the developing countries.

SPECIFIC KNOWLEDGE VOIDS

Tropical soils

In discussing knowledge voids, I would like to start with the tropics, since they contain most of the world's uncultivated but arable soil. Furthermore, it is in the tropics and semitropics that most of the hungry people of the world live. Unfortunately, most scientific and technical knowledge relating to agriculture has been developed in the temperate zones.

One area of our ignorance about the tropics concerns the nature and optimum management of the soils. Sometimes temperate zone technology has been successfully applied to tropical soils with only minor modifications. Other times it has failed almost catastrophically. Some failures are due to extremely heavy rainfall during at least part of the growing season. Others are apparently associated with the properties of the clays in some of the soils.

Adapted crop varieties

There is a pressing need for new high-yielding plant varieties and strains adapted to conditions in the developing countries.

Yields of food grains vary widely around the world, and the lowest yields are found in countries that need food the most. The "status quo" varieties in these countries are adapted to low soil fertility and age-old farming methods. These varieties respond sparingly to fertilizer applications or to improved management practices.

Our few striking examples of successful agricultural development have all included a genetic and plant breeding research program. Only when biological potential is bred into plants can fertilizers, pesticides, and improved cultural practices be effective.

Irrigation

An inadequate supply of water is a major limiting factor in crop production in the developing countries. Irrigation projects are being developed to change this situation.

Pest control

Paralleling the technological advances required in plant breeding will be those needed to protect crops from insects, diseases, and weeds.

In the tropics, year-round high temperatures and long periods of wet weather provide ideal environments for certain plant diseases and insects. Pesticides are sometimes ineffective or must be applied so often that their economic use is doubtful.

Chemical pesticides will need to be used in the developing countries to the extent practical, while new biological means of control must also be developed.

ANIMAL PRODUCTION

Animal diseases are among the most important limitations to livestock farming and protein production in the developing nations. Some of the most devastating diseases in these countries have not occurred in America. While we have been fortunate to escape their scourge, we also lack experience in dealing with them.

Some policy leaders favor crop production priorities over any efforts to develop animal industries. But I would stress the importance of both to a balanced agriculture and human nutritional needs. While plants are superior in production of calories and total protein, animal products are decidedly superior in protein quality. Furthermore, vast areas of

tropical rangeland could be harvested by animals.

Fortunately, there is a substantial reservoir of knowledge about livestock nutrition, breeding, and veterinary medicine principles that well could be applied to research on native animals.

THE PRODUCTION PACKAGE APPROACH

In any program to increase food supply, a package of practices must be developed. Any one technological advance is relatively ineffective unless accompanied by other technological changes. For example, fertilizer applied to native varieties managed by primitive practices may actually decrease yields. The plants are not adapted to a high fertility level and the fertilizer may stimulate weeds which crowd out the crop.

Successful production practices must be integrated with processing and marketing practices and with industries which supply such inputs as fertilizer and pesticides.

Processing and marketing

The movement of food products from farms to population centers is another area of developing agriculture that is a long way from its full potential of service to society. Dependable electric power, refrigeration, storage and transportation facilities, and marketing outlets, as we know them, are virtually nonexistent in the developing countries.

Here again, research, development, and extension programs must be developed "on the spot."

THE MEXICAN SUCCESS STORY

While the world food picture is dark now, there are shining examples of the progress that can be made.

One of the best examples is found in Mexico. Some 20 years ago, that country faced serious problems in food production. Wheat yields were 11 bushels an acre and other grain crop yields were low. Mexico was importing half of her wheat at great expense.

To combat this, the Mexican government created the Office of Special Studies within the Ministry of Agriculture and put its resources into an intensive research effort. Rockefeller Foundation staff scientists collaborated in the programs.

After 20 years Mexico's food production has doubled. Average wheat yield is now 40 bushels an acre, with many farms achieving 80 bushels. During the two decades Mexico's population went from 20 to 37 million, yet her people caloric intake climbed from 1,700 to 2,700 calories daily.

By 1966 wheat varieties developed in Mexico were being widely used in India and Pakistan. Superior corn hybrids have also been developed in Mexico, and are now being used to breed newer hybrids adapted to the conditions of Africa, India, and Southeast Asia.

RICE RESEARCH INSTITUTE

Another success story may be found at the International Rice Research Institute in the Philippines, which has been in operation since 1962 under the joint support of the Ford and Rockefeller foundations. In just a few years new varieties have been developed that are shorter strawed than the old varieties, make better use of sunlight, respond better to nitrogen, and are less susceptible to lodging. Attention has also been devoted to fertilizer practices, irrigation management, weed and pest control, use of power machinery, and systems of year-round production.

When the Institute was dedicated in 1962, rice yields of 4 to 5 tons per hectare were considered adequate under tropical conditions. During the dry season of 1965, seven varieties yielded more than 8 metric tons per hectare at the Institute. In 1966 one Institute selection produced more than 10 tons per hectare!

MAIZE IMPROVEMENT IN KENYA

The Maize Improvement Program in Kenya is sponsored by the Kenya and U.S.

governments and the Rockefeller Foundation. Initiated in 1958, this program has developed superior corn hybrids that already are being produced commercially. They are being offered to producers as part of a package plan that includes the use of fertilizer and prescribed cultural practices.

SUCCESSFUL PROGRAMS CHARACTERIZED

From these programs, we can define some characteristics of successful development of technology to increase the world food supply.

There must be continuity of financial and physical support.

Research and facilities must be as good as those in developed areas.

There must be long-term commitment of personnel.

There also must be an underlying spirit of cooperation. Programs should be carried out at the request of the developing countries and should involve their own scientists as well as Americans.

New scientists and extension leaders must be trained to make continuing progress a reality.

THE THREE-WAY PARTNERSHIP

To achieve these characteristics requires cooperation on a broad scale. Inputs are needed from government, universities, and industry.

Government

The federal government must provide the mechanism and support for many of the inputs by industry and the universities. Government agencies must also develop their own research and education programs outside the United States. Lastly, the U.S. Government must press for greater inputs from other nations and for coordination of international efforts.

Industry

American industry is evidencing a growing interest in the world food problem. This is to the good, for research and extension efforts of government agencies and universities are of little force if not coupled with industry inputs. Seeds, fertilizers, pesticides, and adapted farm machinery must be available, and means of processing and marketing foods must be developed.

The universities

Our Land-Grant universities now face worldwide problems similar to those they have solved in the United States. If properly supported, these universities can furnish the specialists and resources to do the job.

There is much that individual institutions can do alone. A single university, however, cannot accept certain responsibilities.

What is needed is the consortium. A consortium of several universities could attack problems too large for any one university to solve alone. Consortia could probably make their greatest contributions through overseas research and graduate educational centers of excellence.

I would like to conclude on a note of urgency. Clearly, we are running out of precious time. Many workable programs and concepts are available to us; the challenge lies in blending them to create new and powerful sources of knowledge.

FINAL GALLUP POLL SHOWS NIXON STRONG WINNER

Mr. MUNDT. Mr. President, the presidential year of 1968 is likely to be remembered in history as the preconvention campaign in which more emphasis has been placed upon public opinion polls than at any time in the history of this Republic. A plethora of polls of every type have been appearing across the land, some are national in character having been assembled by recognized pollsters of established reputation; some are carefully selective in the areas they

have covered so as to come up with whatever results the pollsters have in mind; some are even personally financed or contracted for by a specific political party or partisan group interested in indicating a ground swell for some specific candidates.

In the meantime, most knowledgeable citizens and sophisticated voters have been awaiting the final preconvention results of the Gallup poll since this is the nationally recognized poll which is self-financed, which has a long record of established objectivity and accuracy during many presidential campaigns, which refuses to sell its services to self-serving groups, and which has by far the largest network of carefully trained interviewers who cover the Nation from coast to coast and from border to border.

It is now possible to report the results of the final national preconvention Gallup poll by virtue of the fact that while scheduled for Wednesday release nationally, a Miami newspaper jumped the gun so to speak and published the poll results in today's newspapers.

Mr. President, this final Gallup poll confirms what many Americans have seen saying over the months in their State delegate primaries; in their party conventions; and in public meetings. Namely, Dick Nixon is by far the strongest and most popular Republican presidential candidate available in 1968 and he provides the Republican Party with an odds-on opportunity not only to win the Presidency next November but to elect a Republican House and to make strong and perhaps determinative gains in the U.S. Senate. It demonstrates clearly that Nixon is a winner.

The poll, in fact, provides the highest verdict as to what the polls reveal, and brings what at times has appeared to be a battle of the pollsters to a conclusive end. Its clear national message can not be negated or refuted by any number of privately financed or carefully selected sectional polls.

All Americans—and especially all delegates to the Republican National Convention in Miami—should study these results carefully as they move into their deliberations designed to nominate the next President of the United States. Against any of the mentioned Democratic presidential candidates, this poll demonstrates that Dick Nixon's year has come and that Nixon is our best bet in 1968.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the final preconvention Gallup poll as it appeared in the Miami, Fla., Herald today.

There being no objection, the Gallup poll was ordered to be printed in the RECORD, as follows:

[From the Miami (Fla.) Herald, July 29, 1968]

NIXON EDGES TWO FOES

(By George Gallup, director, American Institute of Public Opinion)

PRINCETON, N.J.—Richard Nixon has overtaken both Vice President Hubert Humphrey and Senator Eugene McCarthy in preconvention test elections just completed. Governor Nelson Rockefeller, Nixon's chief rival for the Republican nomination, runs about even against both Democrats.

The latest findings represent an improvement for Nixon from an early July survey,

TITLE IX—JUDICIAL REVIEW

SEC. 901. The provisions of sections 551-559 and 701-706 of title V, United States Code, shall apply to an action of a Federal agency under title VII and title VIII. For purposes of this title, the definition of "person" contained in section 551(2) of title V, United States Code, shall be deemed to include a State as defined in this Act.

SEC. 902. Any person or State adversely affected or aggrieved by a final action of a Federal agency under title VII or title VIII of this Act may institute, in the district court in the United States or the judicial district in which such person resides or such State is located, or in which the claim of such person or State first arose, an action seeking review of such final action of the Federal agency and demanding appropriate relief therefrom.

The amendment was agreed to.

Mr. MUSKIE. Mr. President, the bill we have before us, S. 698, the Intergovernmental Cooperation Act of 1967, is designed to improve working relationships among Federal, State, and local governments so that they can deal more effectively with the increasing difficulty problems of our society. The bill is bipartisan in sponsorship and intergovernmental in its origin and development.

The increasing population of the country and the concentration of that growth in urban areas, the advance of technology and the accumulation of unsolved human problems all make extraordinary demands on government. These demands cannot be met unless the instruments of government at the Federal, State, and local levels work together more effectively than they ever have before. The purpose of this legislation is to help achieve such cooperation.

S. 698 was introduced on January 26, 1967. Joining me in sponsorship of the bill are 31 other Senators, including the senior Senator from South Dakota [Mr. MUNDT], who is ranking minority member on the Committee on Government Operations and on the Subcommittee on Intergovernmental Relations. The Committee on Government Operations and the Senate had considered many of the provisions of S. 698 earlier, in substantially their present form, in S. 561, the Intergovernmental Cooperation Act of 1965 and S. 1681, the Uniform Relocation Act of 1966, both of which were unanimously passed by the Senate in the 89th Congress. Neither of those bills was acted upon by the House. We combined those bills with improvements and additions, in the present legislation.

In its consideration of S. 698, the Subcommittee on Intergovernmental Relations had the benefit of 9 days of hearings during which it received the testimony of more than 50 witnesses. The basic objectives of the bill were strongly supported by all witnesses. A number of suggestions for modification of specific provisions were offered. These were all considered most carefully and a number of them were adopted. Because of the number of changes in language, although many involved minor substantive modifications, the committee has reported an amendment in the nature of a substitute.

The bill, as amended, contains nine titles, one setting forth necessary definitions, and each of the others dealing with

an area of intergovernmental relations in which serious problems have emerged over the years. I shall summarize each of these titles.

Title II of the bill requires that a Federal agency shall, upon request, furnish the Governor of a State or a State legislature with information on the purpose and amounts of grants-in-aid made to that State or to its political subdivisions. It also liberalizes Federal requirements regarding the transfer to the States of grant-in-aid funds and their deposit, while retaining full State accountability to the appropriate Federal agency. It permits the waiver under certain conditions of the "single State agency" requirement, giving the States greater flexibility of organization.

Title III permits Federal departments and agencies to provide specialized and technical services to State and local units of government on a reimbursable basis. Such services are to be provided only under rules and regulations consistent with and in furtherance of the policy of relying on the private enterprise system for those services which are reasonably available through ordinary business channels.

Title IV provides that the President shall issue regulations requiring Federal development assistance programs to be carried out in such a way as to promote the sound and orderly development of both urban and rural areas in keeping with objectives set forth in the bill. This title also provides that Federal departments and agencies shall, in the absence of substantial reasons to the contrary, make loans or grants-in-aid to units of general local government rather than to special purpose units of local government.

Title V provides for periodic congressional review of future Federal grant-in-aid programs in order that such programs may be revised or redirected as necessary to meet new conditions, and terminated when they have substantially achieved their purposes.

Title VI amends the Federal Property and Administrative Services Act to prescribe uniform policies and procedures to govern the General Services Administration in acquisition, use, and disposition of land within urban areas. It is the purpose of this title to assure that such land transactions shall, to the greatest practicable extent, be consistent with zoning and land use practices of local governments and shall accord with local planning and development objectives.

Title VII establishes a uniform policy for the fair and equitable treatment of owners, tenants, and other persons displaced by the acquisition of real property in Federal and federally assisted programs so that as far as practical such persons shall be left not worse off economically than they were before being displaced. The provisions of this title, which are based on the experience of existing Federal programs authorized to provide relocation assistance to displaced persons, are made uniformly applicable to all Federal or federally assisted programs which result in displacements. The title provides for relocation payments, advisory assistance, assurance of the

availability of relocation housing, and Federal participation in the cost of relocation payments. Continuance of Federal assistance for State and local projects is conditioned upon compliance with these requirements.

Title VIII establishes for Federal agencies and State or local agencies receiving Federal assistance policies designed to encourage the acquisition of real property by amicable agreements with owners, to relieve congestion in the courts, to assure consistent treatment for owners in the many Federal and federally assisted programs, and to promote public confidence in Federal land-acquisition practices. The ultimate objective of the prescribed policies is to assure to the extent possible that persons whose property is acquired shall not be worse off economically than they were before their property was acquired.

Title IX makes actions by a Federal agency under title VII, having to do with relocation assistance, and title VIII, having to do with land acquisition practices, subject to the Administrative Procedure Act, and provides for judicial review of a final action of a Federal agency under these titles.

These are the basic provisions of S. 698, as reported. They are the result of studies conducted by the Subcommittee on Intergovernmental Relations since its establishment in 1962. In large measure, they are based on recommendations made by the Advisory Commission on Intergovernmental Relations, the National Governors' Conference, the Council of State Governments, the National Association of State Budget Officers, the National Association of Counties, the National League of Cities, the U.S. Conference of Mayors, many other organizations and highly qualified specialists in government.

This is urgently needed legislation. It represents a broad area of agreement among the groups and individuals most highly qualified in the field of intergovernmental relations. It is wholly constructive in character. It has a broad base of support. It has the unanimous approval of the Committee on Government Operations and I urge its prompt and favorable consideration by the Senate.

Mr. President, the pending bill has had thoughtful consideration by all Senators on both sides of the aisle and in the subcommittee.

I am especially grateful to the distinguished Senator from South Dakota for his most helpful and constructive assistance in working out the bill.

Mr. MUNDT. Mr. President, will the Senator yield?

Mr. MUSKIE. I yield.

Mr. MUNDT. Mr. President, I say to the Senators on my side of the aisle that this matter has been brought up unanimously. It has indeed, as the distinguished Senator from Maine has said, been hammered out in many hours of deliberations, compromise, and modification until it has resulted in a meeting of the minds on both sides of the aisle. It was unanimously reported.

I certainly support the distinguished Senator from Maine in his desire to have the measure passed today in the hope

that this time the House will find time to act upon the measure before adjournment.

Mr. MUSKIE. Mr. President, I thank the Senator very much for his assistance.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

The title was amended, so as to read: "A bill to achieve the fullest cooperation and coordination of activities among the levels of government in order to improve the operation of our federal system in an increasingly complex society, to improve the administration of grants-in-aid to the States, to provide for periodic congressional review of Federal grants-in-aid, to permit provision of reimbursable technical services to State and local government, to establish coordinated intergovernmental policy and administration of development assistance programs, to provide for the acquisition, use, and disposition of land within urban areas by Federal agencies in conformity with local government programs, to establish a uniform relocation assistance policy, to establish a uniform land acquisition policy for Federal and federally aided programs, and for other purposes."

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, for the information of the Senate, it is anticipated that for at least 2 hours on tomorrow morning, beginning at 10 o'clock, the Senate will devote itself to eulogies in remembrance of our late beloved colleague, the late Senator Robert F. Kennedy, of New York.

STATUS OF FLOOD CONTROL LEGISLATION

Mr. SPARKMAN. Mr. President, I call attention to the very first bill listed on the calendar under "Bills in Conference." It indicates that it has been there a long time. It relates to the flood insurance bill. I should like to say that that bill was incorporated in its entirety in the Housing and Urban Development Act of 1968 which has already been passed by both Houses of Congress and sent to the President.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 15387) to amend title 39, United States Code, to provide for disciplinary action against employees in the postal field service who assault other employees in such service in the performance of official duties, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. DULSKI, Mr. HENDERSON, Mr. OLSEN, Mr. CORBETT, and Mr. GROSS were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 16361) to provide additional revenue for the District of Columbia, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon and that Mr. McMILLAN, Mr. WHITENER, Mr. DOWDY, Mr. FUQUA, Mr. NELSEN, Mr. BROYHILL of Virginia, and Mr. HARSHA were appointed manager on the part of the House at the conference.

SBA ASSURANCE OF FINANCIAL ASSISTANCE FOR SMALL POULTRY PROCESSORS

Mr. SPARKMAN. Mr. President, S. 2932, the Wholesome Poultry Products Act, which was passed by the Senate today, will insure a more adequate, safer, and more sanitary program of poultry inspection throughout the United States.

Certainly the American family is entitled to enjoy no less than clean, wholesome poultry. This bill, by requiring all poultry processors to maintain certain sanitary standards within their processing plants, will make a significant contribution toward this objective.

Mr. President, while I supported this measure, I was at the same time concerned for the many, many small poultry processors throughout the country who must somehow finance the plant changes necessary to meet the new sanitary requirements imposed by this act.

As a matter of fact, in my State of Alabama, poultry ranks as perhaps the top agricultural enterprise. Alabama ranks third in the Nation in the production of broilers. So it was obvious, in studying this bill, that I had two definite commitments to satisfy; one to the American housewife and the other to the American small businessman, in this instance, the small poultry processor. I immediately got in touch with the Administrator of the SBA to ascertain whether SBA's existing programs were adequate to assist these poultry processors in effecting compliance with the poultry inspection legislation.

Mr. Robert C. Moot, the Administrator of SBA, assured me in a letter dated March 8, 1968, that no additional legislation was necessary and that SBA's current lending programs were entirely adequate to meet the needs of any eligible small processor affected by the act. Subsequently, Mr. Moot forwarded me a copy of his letter to Senator ALLEN J. ELLENDER, chairman of the Senate Committee on Agriculture and Forestry, in which he restated this same position in regard to small meatpackers.

Mr. President, I ask unanimous consent that these letters be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPARKMAN. Mr. President, I feel that they carry the assurance that any increased financial burdens of the small poultry processor will not go unnoticed by the Federal Government as this industry gears up to meet the new

standards imposed by the Wholesome Poultry Products Act.

Mr. President, I believe this bill will give the housewife some long overdue peace of mind and I believe the SBA's assurance will give the small poultry processor that same peace of mind.

EXHIBIT 1

SMALL BUSINESS ADMINISTRATION,
Washington, D.C., March 8, 1968.

Hon. JOHN SPARKMAN,
Chairman, Committee on Banking and Currency, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Thank you for your letter of March 1, 1968, concerning financial assistance for the poultry processing industry.

We believe that our regular business loan program can satisfactorily serve the small poultry processors who may be faced with plant improvements. This assumes, of course, that the applicant is an eligible small business concern and can meet our normal credit requirements, including repayment of the loan from business operations.

We also wish to point out that if a particular case requires construction of new facilities our recent legislation change of 15 years for real estate loans would be applicable as opposed to our normal maximum term of 10 years.

Your interest in this matter is deeply appreciated and if we can be of further service, please let us know.

Sincerely yours,

ROBERT C. MOOT,
Administrator.

SMALL BUSINESS ADMINISTRATION,
Washington, D.C., June 18, 1968.

Hon. ALLEN J. ELLENDER,
Chairman, Committee on Agriculture and Forestry, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your letter of May 28, requesting the comments of the Small Business Administration on S. Res. 290.

In substance, S. Res. 290 calls upon SBA; (1) to undertake a study to determine the extent to which financial assistance under statutes administered by it is available to small business concerns in effecting compliance with the requirements of the Wholesome Meat Act, signed into law last year; and (2) to report to the Senate the results of the study, together with such legislative recommendations as may be considered necessary.

The business loan program, embodied in section 7(a) of the Small Business Act, is available for this purpose. Over the years many such loans have been made by SBA to assist in financing the renovation of packing plants, and similar operations, to meet requirements established by the Federal Government or by State or local governments. The maximum term is 10 years for the machinery and equipment portion of the loan; but, under an amendment recently enacted by the Congress, as much as 15 years may be allowed for that portion relating to construction work.

I am sure that the business loan program can be used to good effect to assist small firms in meeting the requirements of the Wholesome Meat Act. In my judgment, there is no need for additional legislation.

The Bureau of the Budget has advised that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely yours,

ROBERT C. MOOT,
Administrator.

FOREIGN ASSISTANCE ACT OF 1968

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C. 20250
OFFICIAL BUSINESS

POSTAGE AND FEES PAID
U. S. DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

Issued July 31, 1968
For actions of July 30, 1968
90th-2nd; No. 134

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HIGHLIGHTS: House passed food stamp bill. House debated farm bill. Senate adopted measure to establish hunger commission. Senate agreed to conference report on grain inspection bill. Senate continued debate on foreign aid authorization bill.

HOUSE

1. FOOD STAMPS. Passed with amendment S. 3068, the food stamp bill (pp. H7796-818). Agreed to, 227-172, an amendment by Rep. Sullivan to provide an open-end authorization for the fiscal years 1969, 1970, 1971, and 1972 (pp. H7796-812) amended to "prohibit the use of food stamps for students and strikers" (p. H7811). Rejected a motion by Rep. Belcher to recommit the bill (p. H7817). H. R. 18249, a similar bill was tabled.

2. FARM PROGRAM. Began debate on H. R. 17126, to extend the farm program for 1 year. pp. H7818-41
3. APPROPRIATIONS. Conferees were appointed on H. R. 17522, the Depts. of State, Justice, and Commerce, the judiciary, and related agencies appropriation bill, 1969. Senate conferees have been appointed. The conferees were granted until midnight, July 31, to file a report. p. H7789
4. POULTRY INSPECTION. Conferees were appointed on H. R. 16363, the poultry inspection bill. Senate conferees have been appointed. p. H7796
5. AGING. Passed as reported H. J. Res. 1371, to provide that it be the sense of Congress that a White House Conference on Aging be called by the President in 1971, to be planned and conducted by the Secretary of HEW. pp. H7790-4
6. VETERANS' BENEFITS. Concurred in Senate amendments to H. Con. Res. 705, to assist veterans who have served in Vietnam or elsewhere in obtaining suitable employment. p. H7796
7. TRANSPORTATION. Rep. Schwengel expressed opposition to the bill to increase weight and widths of trucks on the interstate highway system. pp. H7869-70
8. CONSERVATION. Rep. Wright inserted a list of the 50 "most significant" beautification and conservation measures signed into law through July 22, 1968, and commended the President and the Congress for their efforts to restore the natural balance of the American environment. pp. H7871-4
9. LEGISLATIVE RECORD. Rep. Staggers summed up briefly the work of the 90th Congress. pp. H7874-5
10. FOREIGN TRADE. Rep. Dent criticized a pamphlet issued by the Emergency Committee for American Trade which states in 20 years the U. S. "exported over \$80 billion more than it bought from the rest of the world." Rep. Dent cited omissions which he stated "would have thrown some much needed light." pp. H7875-6
11. TAXATION. Rep. Vanik stated the Nation's economic advisers "now fear a recessive cutback, higher unemployment, and reduced income" due to the tax increase. pp. H7876-8
12. RESEARCH. Rep. Hall inserted an article, "A Control-of-the-Sea Concept of Ocean Research. pp. H7878-9
13. ADJOURNMENT. Agreed to H. Con. Res. 805, that when the House adjourns on Fri., Aug. 2, 1968, it will stand adjourned until 12 o'clock noon Wed., Sept. 4, 1968. p. H7795

SENATE

14. APPROPRIATIONS. Agreed to the conference report on H. R. 17903, the public works and Atomic Energy Commission appropriation bill, 1969 (pp. S9765-75).

TRIBUTE TO THE HONORABLE SAM FRIEDEL

(Mr. BURLESON asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BURLESON. Mr. Speaker, it is with mixed emotions that I resign the chairmanship of the Committee on House Administration, and my position as a member of the Committee on Foreign Affairs. I value highly the friendships and the associations I have had on these committees. I feel, however, the challenge before me as I become a member of the Ways and Means Committee.

As I leave the chairmanship of the House Administration Committee, I do so with a certain consolation and confidence, that the leadership of the committee will be left in good hands as the competent, affable, and able gentleman from Maryland [Mr. FRIEDEL] assumes the chair.

I have never had a more pleasant and rewarding experience than having had our colleague, SAM FRIEDEL, as chairman of the Subcommittee on Accounts for a long period of time. He is one of the most diligent and dedicated public servant I have know. His energy and close attention to duty often amazes me. It is safe to say that he handles a volume of details greater than any other one single Member of this House and this is in addition to his highly important position on the Interstate and Foreign Committee.

I extend to the friend of all of us, the Honorable SAM FRIEDEL, my warmest congratulations and best wishes for his continued success. As one so highly esteemed by his associates here in the Congress, I know he will have an appreciative response in these new responsibilities and I am sure I speak for many, if not every Members of this House, in pledging our fullest support and cooperation to him.

I am most grateful for the support given me here today in realizing an ambition for your trust and confidence in electing me to this most import committee and his highly responsible position.

TO AMEND THE ACT OF JUNE 19, 1968 (PUBLIC LAW 351, 90TH CONGRESS)

Mr. CELLER. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the bill (S. 3679) to amend the act of June 19, 1968 (Public Law 351, 90th Congress) and ask for the immediate consideration of the bill.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. GROSS. Mr. Speaker, reserving the right to object, would the gentleman tell us briefly what this is about?

Mr. CELLER. In reply to the inquiry of the gentleman from Iowa, let me first say that this request was conveyed to the ranking member on the Republican side of the Committee on the Judiciary, the gentleman from Ohio [Mr. McCULLOCH], and that gentleman acquiesced. I am asking unanimous consent for the immediate

consideration of S. 3679, which makes clerical and nonsubstantive changes in the omnibus crime bill. When the bill was passed in the Senate and we accepted it, as the gentleman may remember, without debate in the House, there were discovered subsequent to the passage by the House and the Senate certain improper references made to certain sections which we are now correcting. These changes are nonsubstantive and technical.

Mr. GROSS. These are technical changes in the bill?

Mr. CELLER. These are technical changes in the bill.

Mr. GROSS. Not substantive changes?

Mr. CELLER. They are not substantive changes.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. McCULLOCH. Mr. Speaker, reserving the right to object—and I shall not object—the chairman of the Committee on the Judiciary has personally reported to the minority the nature of the changes. The changes are purely technical changes, and we have no objection to them on this side of the aisle.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 3679

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That clauses (1), (2), and (3) of section 520(b) of the Act of June 19, 1968 (Public Law 351, Ninetieth Congress), are amended by striking out "302" each time it appears and inserting in lieu thereof "301".

SEC. 2. The caption of title II of the Act of June 19, 1968 (Public Law 351, Ninetieth Congress), immediately preceding section 701 thereof is amended to read as follows:

"TITLE II—ADMISSIBILITY OF CONFESSIONS AND ADMISSIBILITY OF EYEWITNESS TESTIMONY".

SEC. 3. Section 1401(a) of the Act of June 19, 1968 (Public Law 351, Ninetieth Congress), is amended by striking out "Chapter 204" and inserting in lieu thereof "Chapter 205".

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ADJOURNMENT FROM FRIDAY, AUGUST 2, TO WEDNESDAY, SEPTEMBER 4, 1968

Mr. ALBERT. Mr. Speaker, I call up House Concurrent Resolution 805, and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 805

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Friday, August 2, 1968, it stand adjourned until 12 o'clock meridian, Wednesday, September 4, 1968.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZATION FOR SPEAKER OF THE HOUSE AND PRESIDENT OF THE SENATE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS FOUND TRULY ENROLLED

Mr. ALBERT. Mr. Speaker, I call up House Concurrent Resolution 806 and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 806

Resolved by the House of Representatives (the Senate concurring), That notwithstanding any adjournment of the two Houses until September 4, 1968, the Speaker of the House of Representatives and the President of the Senate be, and they are hereby, authorized to sign enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZATION FOR THE CLERK TO RECEIVE MESSAGES FROM THE SENATE

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until September 4, 1968, the Clerk be authorized to receive messages from the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

CONSIDERATION OF S. 2269 AND H.R. 18763, UNDER UNANIMOUS-CONSENT REQUESTS

(Mr. ALBERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALBERT. Mr. Speaker, I take this time to advise the House that I have been advised by the gentleman from Michigan [Mr. DINGELL] that on tomorrow S. 2269, to amend the act of August 27, 1954, relative to the unlawful seizure of fishing vessels of the United States by foreign countries, will be called up under a unanimous-consent request.

Also, Mr. Speaker, I have been advised by the gentleman from Kentucky [Mr. PERKINS] that on tomorrow the bill H.R. 18763, to authorize preschool and early education programs for handicapped children, will be called up under a unanimous-consent request.

EVENTS IN CZECHOSLOVAKIA

(Mrs. KELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KELLY. Mr. Speaker, during the past 6 months, events have been moving rapidly in Czechoslovakia.

Under a new Communist leadership, headed by Alexander Dubcek, Czechoslo-

vakia has initiated a series of bold experiments designed, in the words of one reporter, to temper the traditional Marxist doctrine with democracy.

Thoughtful people throughout the world have been watching these developments with care, realizing their potential significance not only for Czechoslovakia but for all of Europe as well.

As chairman of the Subcommittee on Europe of the Committee on Foreign Affairs, which has conducted various hearings and issued a number of reports on developments in Eastern and Central Europe, I have had special, deep interest in that area of the world.

That interest, of course, is that of a bystander or an observer because neither the Congress nor the executive branch of our Government have anything to do with what is going on in Prague.

Secretary of State Dean Rusk stressed recently that the United States has no intention of getting involved in Czechoslovakia's internal affairs.

Nevertheless, we cannot help but be aware of what is transpiring in Czechoslovakia and around its borders.

Some of those developments are not very reassuring and give us cause for concern.

Mr. Speaker, I ask unanimous consent to place in the body of the RECORD some further observations and extraneous materials relating to developments in Czechoslovakia.

Mr. FINDLEY. Mr. Speaker, will the gentlewoman yield?

Mrs. KELLY. I yield to the gentleman.

Mr. FINDLEY. Mr. Speaker, I would like to congratulate the gentlewoman from New York on her statement. To me, the silence on the part of our Government in the face of developments in Czechoslovakia is disgraceful.

Mrs. KELLY. Mr. Speaker, I thank the gentleman from Illinois but I want to repeat that the policy of our Government is one of not interfering with the developments in Czechoslovakia.

(Mr. DICKINSON asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous material.)

[Mr. DICKINSON addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

EXCESS OF VOTES ON GUN BILL

(Mr. POLLOCK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POLLOCK. Mr. Speaker, last week we discussed the gun control legislation. I was aware that, notwithstanding my strong opposition to the passage of the legislation, there was a strong desire in this body to enact some kind of gun law. But I did not realize how strong the support for the bill was. I note on pages H7386 and H7387 of the RECORD there were 350 "ayes," 118 "nays," and nine not voting, which gives us a total of 477 votes. I was under the impression we had only 433 Members of the House at the present time.

CALL OF THE HOUSE

Mr. PELLY. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore (Mr. ALBERT). Evidently a quorum is not present.

Mr. MORGAN. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 292]

Anderson, Tenn.	Flood	Long, La.
Ashley	Frelinghuysen	Lukens
Baring	Fulton, Tenn.	Moore
Blackburn	Gardner	Morse, Mass.
Blanton	Goodell	Pike
Bolton	Gubser	Rarick
Brown, Calif.	Hansen, Idaho	Rees
Brown, Mich.	Hawkins	Rhodes, Ariz.
Burke, Fla.	Hébert	Rhodes, Pa.
Corman	Herlong	Schweiker
Cramer	Holland	Skubitz
Davis, Wis.	Irwin	Teague, Calif.
Esch	Joelson	Waggonner
Evins, Tenn.	Karsten	Watson
	Lipscomb	

The SPEAKER. On this rollcall 385 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

APPOINTMENT OF CONFEREES ON H.R. 16363 AMENDING POULTRY PRODUCTS INSPECTION ACT

Mr. POAGE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 16363) to clarify and otherwise amend the Poultry Products Inspection Act, to provide for cooperation with appropriate State agencies with respect to State poultry products inspection programs, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none, and appoints the following conferees: Messrs. PURCELL, STUBBLEFIELD, FOLEY, BELCHER, and Mrs. MAY.

TO ASSIST VETERANS OF THE ARMED FORCES IN OBTAINING SUITABLE EMPLOYMENT

Mr. DULSKI. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the House concurrent resolution (H. Con. Res. 705), to assist veterans of the Armed Forces of the United States who have served in Vietnam or elsewhere in obtaining suitable employment, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

On page 2, lines 8 and 9, strike out "elsewhere during the Vietnam era;" and insert: "elsewhere;"

On page 2, line 13, strike out all after "such" where it appears the second time down to and including "means," in line 16 and insert: "lawful action".

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

(Mr. FEIGHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

[Mr. FEIGHAN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

INCREASE IN 1969 AUTHORIZATION FOR FOOD STAMP PROGRAM

Mr. POAGE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 18249) to amend the Food Stamp Act of 1964, as amended.

The SPEAKER. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 18249, with Mr. LANDRUM in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday the Committee had agreed that the bill would be considered as read and open to amendment at any point, and there was pending the amendment in the nature of a substitute offered by the gentlewoman from Missouri [Mrs. SULLIVAN].

Without objection, the Clerk will again report the amendment offered by the gentlewoman from Missouri.

There was no objection.

AMENDMENT OFFERED BY MRS. SULLIVAN

The Clerk read as follows:

Amendment offered by Mrs. SULLIVAN: Strike out all after the enacting clause and insert the following:

"That subsection (a) of section 16 of the Food Stamp Act of 1964 is amended (A) by deleting from the first sentence the phrase 'not in excess of \$225,000,000 for the fiscal year ending June 30, 1969;' and inserting in lieu thereof the following: 'such sums as may be necessary for each of the fiscal years ending June 30, 1969, 1970, 1971, and 1972;' and (B) by adding at the end of the subsection the following sentence: 'On or before January 20 of each year, the Secretary shall submit to Congress a report setting forth operations under this Act during the preceding calendar year and projecting needs for the ensuing calendar year.'"

The CHAIRMAN. The Chair recognizes the gentlewoman from Missouri [Mrs. SULLIVAN].

Mrs. SULLIVAN. Mr. Chairman, we are now at the moment of decision on the future of the food stamp program. The question this amendment poses is a simple one: Should the program be permitted to expand to such size as the Congress is willing to appropriate the funds to pay for this year and for 3 subsequent years or shall it be confined to the areas which now have it, plus a limited additional number of mostly small counties, and terminate a year from now unless Congress passes new legislation early next year?

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C. 20250
OFFICIAL BUSINESS

POSTAGE AND FEES PAID
U. S. DEPARTMENT OF AGRICULTURE

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HIGHLIGHTS: Senate re-passed farm bill. House received conference report on poultry inspection bill. House agreed to conference reports on dairy indemnity and grain inspection bills. House committee reported Jefferson wilderness bill. House committee voted to report Flaming Gorge Recreation Area bill.

HOUSE

1. POULTRY INSPECTION. Received the conference report on H. R. 16363, the poultry inspection bill (H. Rept. 1839) (pp. H8066-72). The conferees recommended: That the House recede from its disagreement to the Senate amendment to strike the word "knowingly" in Sec. 9(a), in order that the Poultry Act might conform to the corresponding section of the Federal Meat Inspection Act. That the House recede to the Senate amendment striking requirements relative to labeling

information. That the House recede to the Senate amendment to permit interested parties to present their views orally regarding proposed rule making under the Wholesome Poultry Products Act. That the House recede to the omission by the Senate of House language limiting the Secretary of Agriculture's authority "to regulate storage and handling...to permit the regulation by States rather than the Federal Government of these steps by local retail stores, etc. That the House recede to the "inclusion as a part of the declaration of policy a statement to the effect that scientific fact, information or other criteria must support the condemnation of poultry or poultry products because of disease." That the Senate recede from its amendment prohibiting the change in the official inspection legend. The conferees agreed in this respect that the Secretary "shall not require any change in the official inspection legend in use under this Act on the date of enactment of the Wholesome Poultry Products Act without reasonable notice to the processors and the opportunity for public hearing." That the Senate strike its amendment to the import poultry section of the Poultry Products Inspection Act as this presents "no problem requiring legislation." The conferees included a new exemption to provide for "a complete exclusion from the provisions of the Act of all poultry producers with respect to poultry of their own raising on their own farms if such producers do not buy or sell poultry products other than those produced from poultry raised on their farms," etc. Sub. sec. 15(c)(3) was amended in conference "to provide that poultry producers or processors of 5,000 turkeys or an equivalent number of other poultry in the current calendar year might, by the regulation of the Secretary of Agriculture, under conditions...that he prescribed, be exempt from specific provisions of the Act."

2. FOREIGN AID. Conferees were appointed on H. R. 15263, the foreign aid authorization bill. Senate conferees have been appointed. pp. H7977-8
3. PERSONNEL. Agreed to the conference report on H. R. 15387, to provide for disciplinary action against any employee in the postal field service who forcibly assaults any other employee while such other employee is engaged in the performance of his official duties. The conference report restores the Senate amendment providing that the officers and employees of the Bureau of Research and Engineering of the Post Office Department, and officers and employees in the postal field service shall be exempted from the personnel limitations in the Revenue and Expenditure Control Act. This bill will now be sent to the President. pp. H7978-91
4. DAIRY INDEMNITY. Agreed to the conference report on S. 3638, to extend the authority of the Secretary of Agriculture to make indemnity payments to dairy farmers for milk required to be withheld from commercial markets because it contains residues of chemicals registered and approved for use by the Federal Government. The House conferees submitted the following statement: "The companion bill in the House, H. R. 17752, would have expired in 1 year, on June 30, 1969. The Senate bill would have expired in 3 years, on June 30, 1971. The conferees agreed on a compromise, expiration in 2 years, June 30, 1970." p. H8023

POULTRY INSPECTION

AUGUST 1, 1968.—Ordered to be printed

Mr. PURCELL, from the committee of conference,
submitted the following

CONFERENCE REPORT

[To accompany H.R. 16363]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 16363), to clarify and otherwise amend the Poultry Products Inspection Act, to provide for cooperation with appropriate State agencies with respect to State poultry products inspection programs, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following: *That this Act may be cited as the "Wholesome Poultry Products Act"*.

SEC. 2. Section 2 of the Poultry Products Inspection Act (71 Stat. 441, as amended; 21 U.S.C. 451) is hereby amended to read:

"SEC. 2. Poultry and poultry products are an important source of the Nation's total supply of food. They are consumed throughout the Nation and the major portion thereof moves in interstate or foreign commerce. It is essential in the public interest that the health and welfare of consumers be protected by assuring that poultry products distributed to them are wholesome, not adulterated, and properly marked, labeled, and packaged. Unwholesome, adulterated, or misbranded poultry products impair the effective regulation of poultry products in interstate or foreign commerce, are injurious to the public welfare, destroy markets for wholesome, not adulterated, and properly labeled and packaged poultry products, and result in sundry losses to poultry producers and processors of poultry and poultry products, as well as injury to consumers. It is hereby found that all articles and poultry which are regulated under this Act are either in interstate or foreign commerce or substantially affect such commerce, and that regulation by the Secretary of Agriculture and

cooperation by the States and other jurisdictions as contemplated by this Act are appropriate to prevent and eliminate burdens upon such commerce, to effectively regulate such commerce, and to protect the health and welfare of consumers."

SEC. 3. Section 3 of said Act (21 U.S.C. 452) is hereby amended to read:

"SEC. 3. It is hereby declared to be the policy of the Congress to provide for the inspection of poultry and poultry products and otherwise regulate the processing and distribution of such articles as hereinafter prescribed to prevent the movement or sale in interstate or foreign commerce of, or the burdening of such commerce by, poultry products which are adulterated or misbranded. It is the intent of Congress that when poultry and poultry products are condemned because of disease, the reason for condemnation in such instances shall be supported by scientific fact, information, or criteria, and such condemnation under this Act shall be achieved through uniform inspection standards and uniform applications thereof."

SEC. 4. Section 4 of said Act (21 U.S.C. 453) is hereby amended to read:

"SEC. 4. For purposes of this Act—

"(a) The term 'commerce' means commerce between any State, any territory, or the District of Columbia, and any place outside thereof; or within any territory not organized with a legislative body, or the District of Columbia.

"(b) Except as otherwise provided in this Act, the term 'State' means any State of the United States and the Commonwealth of Puerto Rico.

"(c) The term 'territory' means Guam, the Virgin Islands of the United States, American Samoa, and any other territory or possession of the United States, excluding the Canal Zone.

"(d) The term 'United States' means the States, the District of Columbia, and the territories of the United States.

"(e) The term 'poultry' means any domesticated bird, whether live or dead.

"(f) The term 'poultry product' means any poultry carcass, or part thereof; or any product which is made wholly or in part from any poultry carcass or part thereof, excepting products which contain poultry ingredients only in a relatively small proportion or historically have not been considered by consumers as products of the poultry food industry, and which are exempted by the Secretary from definition as a poultry product under such conditions as the Secretary may prescribe to assure that the poultry ingredients in such products are not adulterated and that such products are not represented as poultry products.

"(g) The term 'adulterated' shall apply to any poultry product under one or more of the following circumstances:

"(1) if it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance, such article shall not be considered adulterated under this clause if the quantity of such substance in or on such article does not ordinarily render it injurious to health;

"(2) (A) if it bears or contains (by reason of administration of any substance to the live poultry or otherwise) any added poisonous or added deleterious substance (other than one which is (i) a pesticide chemical in or on a raw agricultural commodity; (ii) a food additive; or (iii) a color additive) which may, in the judgment of the Secretary, make such article unfit for human food;

“(B) if it is, in whole or in part, a raw agricultural commodity and such commodity bears or contains a pesticide chemical which is unsafe within the meaning of section 408 of the Federal Food, Drug, and Cosmetic Act;

“(C) if it bears or contains any food additive which is unsafe within the meaning of section 409 of the Federal Food, Drug, and Cosmetic Act;

“(D) if it bears or contains any color additive which is unsafe within the meaning of section 706 of the Federal Food, Drug, and Cosmetic Act: Provided, That an article which is not otherwise deemed adulterated under clause (B), (C), or (D) shall nevertheless be deemed adulterated if use of the pesticide chemical, food additive, or color additive in or on such article is prohibited by regulations of the Secretary in official establishments;

“(3) if it consists in whole or in part of any filthy, putrid, or decomposed substance or is for any other reason unsound, unhealthful, unwholesome, or otherwise unfit for human food;

“(4) if it has been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health;

“(5) if it is, in whole or in part, the product of any poultry which has died otherwise than by slaughter;

“(6) if its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health;

“(7) if it has been intentionally subjected to radiation, unless the use of the radiation was in conformity with a regulation or exemption in effect pursuant to section 409 of the Federal Food, Drug, and Cosmetic Act; or

“(8) if any valuable constituent has been in whole or in part omitted or abstracted therefrom; or if any substance has been substituted, wholly or in part therefor; or if damage or inferiority has been concealed in any manner; or if any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is.

“(h) The term ‘misbranded’ shall apply to any poultry product under one or more of the following circumstances:

“(1) if its labeling is false or misleading in any particular;

“(2) if it is offered for sale under the name of another food;

“(3) if it is an imitation of another food, unless its label bears, in type of uniform size and prominence, the word ‘imitation’ and immediately thereafter, the name of the food imitated;

“(4) if its container is so made, formed, or filled as to be misleading;

“(5) unless it bears a label showing (A) the name and the place of business of the manufacturer, packer, or distributor; and (B) an accurate statement of the quantity of the product in terms of weight, measure, or numerical count: Provided, That under clause (B) of this subparagraph (5), reasonable variations may be permitted, and exemptions as to small packages or articles not in packages or other containers may be established by regulations prescribed by the Secretary;

"(6) if any word, statement, or other information required by or under authority of this Act to appear on the label or other labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;

"(7) if it purports to be or is represented as a food for which a definition and standard of identity or composition has been prescribed by regulations of the Secretary under section 8 of this Act unless (A) it conforms to such definition and standard, and (B) its label bears the name of the food specified in the definition and standard and, insofar as may be required by such regulations, the common names of optional ingredients (other than spices, flavoring, and coloring) present in such food;

"(8) if it purports to be or is represented as a food for which a standard or standards of fill of container have been prescribed by regulations of the Secretary under section 8 of this Act, and it falls below the standard of fill of container applicable thereto, unless its label bears, in such manner and form as such regulations specify, a statement that it falls below such standard;

"(9) if it is not subject to the provisions of subparagraph (7), unless its label bears (A) the common or usual name of the food, if any there be, and (B) in case it is fabricated from two or more ingredients, the common or usual name of each such ingredient; except that spices, flavorings, and colorings may, when authorized by the Secretary, be designated as spices, flavorings, and colorings without naming each: Provided, That to the extent that compliance with the requirements of clause (B) of this subparagraph (9) is impracticable or results in deception or unfair competition, exemptions shall be established by regulations promulgated by the Secretary;

"(10) if it purports to be or is represented for special dietary uses unless its label bears such information concerning its vitamin, mineral, and other dietary properties as the Secretary, after consultation with the Secretary of Health, Education, and Welfare, determines to be, and by regulations prescribes as, necessary in order fully to inform purchasers as to its value for such uses;

"(11) if it bears or contains any artificial flavoring, artificial coloring, or chemical preservative, unless it bears labeling stating that fact: Provided, That, to the extent that compliance with the requirements of this subparagraph (11) is impracticable, exemptions shall be established by regulations promulgated by the Secretary; or

"(12) if it fails to bear on its containers, and in the case of nonconsumer packaged carcasses (if the Secretary so requires) directly thereon, as the Secretary may by regulations prescribe, the official inspection legend and official establishment number of the establishment where the article was processed, and, unrestricted by any of the foregoing, such other information as the Secretary may require in such regulations to assure that it will not have false or misleading labeling and that the public will be informed of the manner of handling required to maintain the article in a wholesome condition.

"(i) The term 'Secretary' means the Secretary of Agriculture or his delegate.

“(j) The term ‘person’ means any individual, partnership, corporation, association, or other business unit.

“(k) The term ‘inspector’ means: (1) an employee or official of the United States Government authorized by the Secretary to inspect poultry and poultry products under the authority of this Act, or (2) any employee or official of the government of any State or territory or the District of Columbia authorized by the Secretary to inspect poultry and poultry products under authority of this Act, under an agreement entered into between the Secretary and the appropriate State or other agency.

“(l) The term ‘official mark’ means the official inspection legend or any other symbol prescribed by regulation of the Secretary to identify the status of any article or poultry under this Act.

“(m) The term ‘official inspection legend’ means any symbol prescribed by regulations of the Secretary showing that an article was inspected for wholesomeness in accordance with this Act.

“(n) The term ‘official certificate’ means any certificate prescribed by regulations of the Secretary for issuance by an inspector or other person performing official functions under this Act.

“(o) The term ‘official device’ means any device prescribed or authorized by the Secretary for use in applying any official mark.

“(p) The term ‘official establishment’ means any establishment as determined by the Secretary at which inspection of the slaughter of poultry, or the processing of poultry products, is maintained under the authority of this Act.

“(q) The term ‘inspection service’ means the official Government service within the Department of Agriculture designated by the Secretary as having the responsibility for carrying out the provisions of this Act.

“(r) The term ‘container’ or ‘package’ includes any box, can, tin, cloth, plastic, or other receptacle, wrapper, or cover.

“(s) The term ‘label’ means a display of written, printed, or graphic matter upon any article or the immediate container (not including packaged liners) of any article; and the term ‘labeling’ means all labels and other written, printed, or graphic matter (1) upon any article or any of its containers or wrappers, or (2) accompanying such article.

“(t) The term ‘shipping container’ means any container used or intended for use in packaging the product packed in an immediate container.

“(u) The term ‘immediate container’ includes any consumer package; or any other container in which poultry products, not consumer packaged, are packed.

“(v) The term ‘capable of use as human food’ shall apply to any carcass, or part or product of a carcass, of any poultry, unless it is denatured or otherwise identified as required by regulations prescribed by the Secretary to deter its use as human food, or it is naturally inedible by humans.

“(w) The term ‘processed’ means slaughtered, canned, salted, stuffed, rendered, boned, cut up, or otherwise manufactured or processed.

“(x) The term ‘Federal Food, Drug, and Cosmetic Act’ means the Act so entitled, approved June 25, 1938 (52 Stat. 1040), and Acts amendatory thereof or supplementary thereto.

“(y) The terms ‘pesticide chemical’, ‘food additive’, ‘color additive’, and ‘raw agricultural commodity’ shall have the same meanings for purposes of this Act as under the Federal Food, Drug, and Cosmetic Act.

“(z) The term ‘poultry products broker’ means any person engaged in the business of buying or selling poultry products on commission, or

otherwise negotiating purchases or sales of such articles other than for his own account or as an employee of another person.

"(aa) The term 'renderer' means any person engaged in the business of rendering carcasses, or parts or products of the carcasses, of poultry, except rendering conducted under inspection or exemption under this Act.

"(bb) The term 'animal food manufacturer' means any person engaged in the business of manufacturing or processing animal food derived wholly or in part from carcasses or parts or products of the carcasses, of the poultry."

SEC. 5. Section 5 of said Act (21 U.S.C. 454) is hereby amended to read:

"SEC. 5. (a) It is the policy of the Congress to protect the consuming public from poultry products that are adulterated or misbranded and to assist in efforts by State and other government agencies to accomplish this objective. In furtherance of this policy—

"(1) The Secretary is authorized, whenever he determines that it would effectuate the purposes of this Act, to cooperate with the appropriate State agency in developing and administering a State poultry product inspection program in any State which has enacted a mandatory State poultry product inspection law that imposes ante mortem and post mortem inspection, reinspection and sanitation requirements that are at least equal to those under this Act, with respect to all or certain classes of persons engaged in the State in slaughtering poultry or processing poultry products for use as human food solely for distribution within such State.

"(2) The Secretary is further authorized, whenever he determines that it would effectuate the purposes of this Act, to cooperate with appropriate State agencies in developing and administering State programs under State laws containing authorities at least equal to those provided in section 11 of this Act; and to cooperate with other agencies of the United States in carrying out any provisions of this Act. In carrying out the provisions of this Act, the Secretary may conduct such examinations, investigations, and inspections as he determines practicable through any officer or employee of any State or Territory or the District of Columbia commissioned by the Secretary for such purpose.

"(3) Cooperation with State agencies under this section may include furnishing to the appropriate State agency (i) advisory assistance in planning and otherwise developing an adequate State program under the State law; and (ii) technical and laboratory assistance and training (including necessary curricular and instructional materials and equipment), and financial and other aid for administration of such a program. The amount to be contributed to any State by the Secretary under this section from Federal funds for any year shall not exceed 50 per centum of the estimated total cost of the cooperative program; and the Federal funds shall be allocated among the States desiring to cooperate on an equitable basis. Such cooperation and payment shall be contingent at all times upon the administration of the State program in a manner which the Secretary, in consultation with the appropriate advisory committee appointed under subparagraph (r), deems adequate to effectuate the purpose of this section.

"(4) The Secretary may appoint advisory committees consisting of such representatives of appropriate State agencies as the Secretary

and the State agencies may designate to consult with him concerning State and Federal programs with respect to poultry product inspection and other matters within the scope of this Act, including evaluating State programs for purposes of this Act and obtaining better coordination and more uniformity among the State programs and between the Federal and State programs and adequate protection of consumers.

“(b) The appropriate State agency with which the Secretary may cooperate under this Act shall be a single agency in the State which is primarily responsible for the coordination of the State programs having objectives similar to those under this Act. When the State program includes performance of certain functions by a municipality or other subordinate governmental unit, such unit shall be deemed to be a part of the State agency for purposes of this section.

“(c)(1) If the Secretary has reason to believe, by thirty days prior to the expiration of two years after enactment of the Wholesome Poultry Products Act, that a State has failed to develop or is not enforcing, with respect to all establishments within its jurisdiction (except those that would be exempted from Federal inspection under subparagraph (2) of this paragraph (c)) at which poultry are slaughtered, or poultry products are processed for use as human food, solely for distribution within such State, and the products of such establishments, requirements at least equal to those imposed under sections 1-4, 6-10, and 12-22 of this Act, he shall promptly notify the Governor of the State of this fact. If the Secretary determines, after consultation with the Governor of the State, or representative selected by him, that such requirements have not been developed and activated, he shall promptly after the expiration of such two-year period designate such State as one in which the provisions of said sections of this Act shall apply to operations and transactions wholly within such State: Provided, That if the Secretary has reason to believe that the State will activate such requirements within one additional year, he may delay such designation for said period, and not designate the State, if he determines at the end of the year that the State then has such requirements in effective operation. The Secretary shall publish any such designation in the Federal Register and, upon the expiration of thirty days after such publication, the provisions of said sections of this Act shall apply to operations and transactions and to persons engaged therein in the State to the same extent and in the same manner as if such operations and transactions were conducted in or for commerce. However, notwithstanding any other provision of this section, if the Secretary determines that any establishment within a State is producing adulterated poultry products for distribution within such State which would clearly endanger the public health he shall notify the Governor of the State and the appropriate advisory committee provided for by subparagraph (a)(4) of this section of such fact for effective action under State or local law. If the State does not take action to prevent such endangering of the public health within a reasonable time after such notice, as determined by the Secretary, in light of the risk to public health, the Secretary may forthwith designate any such establishment as subject to the provisions of said sections of this Act, and thereupon the establishment and operator thereof shall be subject to such provisions as though engaged in commerce until such time as the Secretary determines that such State has developed and will enforce requirements at least equal to those imposed under said sections.

“(2) The provisions of this Act requiring inspection of the slaughter of poultry and the processing of poultry products shall not apply to operations of types traditionally and usually conducted at retail stores

and restaurants, when conducted at any retail store or restaurant or similar retail-type establishment for sale in normal retail quantities or service of such articles to consumers at such establishments if such establishments are subject to such inspection provisions only under this paragraph (c).

“(3) Whenever the Secretary determines that any State designated under this paragraph (c) has developed and will enforce State poultry products inspection requirements at least equal to those imposed under the aforesaid sections of this Act, with respect to the operations and transactions within such State which are regulated under subparagraph (1) of this paragraph (c), he shall terminate the designation of such State under this paragraph (c), but this shall not preclude the subsequent redesignation of the State at any time upon thirty days’ notice to the Governor and publication in the Federal Register in accordance with this paragraph, and any State may be designated upon such notice and publication, at any time after the period specified in this paragraph whether or not the State has theretofore been designated, upon the Secretary determining that it is not effectively enforcing requirements at least equal to those imposed under said sections.

“(4) The Secretary shall promptly upon enactment of the Wholesome Poultry Products Act, and periodically thereafter, but at least annually, review the requirements, including the enforcement thereof, of the several States not designated under this paragraph (c), with respect to the slaughter, and the processing, storage, handling, and distribution of poultry products, and inspection of such operations, and annually report thereon to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture and Forestry of the Senate in the report required in section 27 of this Act.

“(d) As used in this section, the term ‘State’ means any State (including the Commonwealth of Puerto Rico) or organized territory.”

SEC. 6. Section 6 of said Act (21 U.S.C. 455) is hereby amended as follows:

(a) Paragraph (a) is amended to read:

“(a) For the purpose of preventing the entry into or flow or movement in commerce of, or the burdening of commerce by, any poultry product which is capable of use as human food and is adulterated, the Secretary shall, where and to the extent considered by him necessary, cause to be made by inspectors ante mortem inspection of poultry in each official establishment processing poultry or poultry products for commerce or otherwise subject to inspection under this Act.”

(b) Paragraph (b) is amended by deleting the phrase “in, or for marketing in a designated city or area” and substituting the phrase “otherwise subject to inspection under this Act”; by inserting the word “and” before the word “reinspection”; and by inserting the phrase “capable of use as human food” after the phrase “poultry products” the first time the latter phrase appears in the paragraph.

(c) Paragraph (c) is amended by deleting the phrase “unwholesome or” and the phrase “not unwholesome and” each time they appear therein; and by inserting the word “other” before the phrase “poultry products”.

SEC. 7. In section 7 of said Act (21 U.S.C. 456) paragraph (a) is hereby amended by deleting the phrase “in or for marketing in a designated major consuming area” and substituting the phrase “otherwise subject to inspection under this Act”; by deleting the phrase “in a designated major consuming area” and substituting the phrase “burdensome effect upon commerce”; and by deleting the phrase “unwholesome or”.

SEC. 8. Section 8 of said Act (21 U.S.C. 457) is hereby amended to read:

"SEC 8. (a) All poultry products inspected at any official establishment under the authority of this Act and found to be not adulterated, shall at the time they leave the establishment bear, in distinctly legible form, on their shipping containers and immediate containers as the Secretary may require, the information required under paragraph (h) of section 4 of this Act. In addition, the Secretary whenever he determines such action is practicable and necessary for the protection of the public, may require nonconsumer packaged carcasses at the time they leave the establishment to bear directly thereon in distinctly legible form any information required under such paragraph (h).

"(b) ~~The~~ Secretary, whenever he determines such action is necessary, for the protection of the public, may prescribe: (1) the styles and sizes of type to be used with respect to material required to be incorporated in labeling to avoid false or misleading labeling in marking and labeling any articles or poultry subject to this Act; (2) definitions and standards of identity or composition or articles subject to this Act and standards of fill of container for such articles not inconsistent with any such standards established under the Federal Food, Drug, and Cosmetic Act, and there shall be consultation between the Secretary and the Secretary of Health, Education, and Welfare prior to the issuance of such standards under either Act relating to articles subject to this Act to avoid inconsistency in such standards and possible impairment of the coordinated effective administration of these Acts. There shall also be consultation between the Secretary and an appropriate advisory committee provided for in section 5 of this Act, prior to the issuance of such standards under this Act, to avoid, insofar as feasible, inconsistency between Federal and State standards.

"(c) No article subject to this Act shall be sold or offered for sale by any person in commerce, under any name or other marking or labeling which is false or misleading, or in any container of a misleading form or size, but established trade names and other marking and labeling and containers which are not false or misleading and which are approved by the Secretary are permitted.

"(d) If the Secretary has reason to believe that any marking or labeling or the size or form of any container in use or proposed for use with respect to any article subject to this Act is false or misleading in any particular, he may direct that such use be withheld unless the marking, labeling, or container is modified in such manner as he may prescribe so that it will not be false or misleading. If the person using or proposing to use the marking, labeling, or container does not accept the determination of the Secretary, such person may request a hearing, but the use of the marking, labeling, or container shall, if the Secretary so directs, be withheld pending hearing and final determination by the Secretary. Any such determination by the Secretary shall be conclusive unless, within thirty days after receipt of notice of such final determination, the person adversely affected thereby appeals to the United States Court of Appeals for the circuit in which such person has its principal place of business or to the United States Court of Appeals for the District of Columbia Circuit. The provisions of section 204 of the Packers and Stockyards Act, 1921 (42 Stat. 162, as amended; 7 U.S.C. 194) shall be applicable to appeals taken under this section."

SEC. 9. Section 9 of said Act (21 U.S.C. 458) is amended to read:

"SEC. 9. (a) No person shall—

"(1) slaughter any poultry or process any poultry products which are capable of use as human food at any establishment processing any such articles for commerce, except in compliance with the requirements of this Act;

"(2) sell, transport, offer for sale or transportation, or receive for transportation, in commerce, (A) any poultry products which are capable of use as human food and are adulterated or misbranded at the time of such sale, transportation, offer for sale or transportation, or receipt for transportation; or (B) any poultry products required to be inspected under this Act unless they have been so inspected and passed;

"(3) do, with respect to any poultry products which are capable of use as human food, any act while they are being transported in commerce or held for sale after such transportation, which is intended to cause or has the effect of causing such products to be adulterated or misbranded;

"(4) sell, transport, offer for sale or transportation, or receive for transportation, in commerce or from an official establishment, any slaughtered poultry from which the blood, feathers, feet, head, or viscera have not been removed in accordance with regulations promulgated by the Secretary, except as may be authorized by regulations of the Secretary;

"(5) use to his own advantage, or reveal other than to the authorized representatives of the United States Government or any State or other government in their official capacity, or as ordered by a court in any judicial proceedings, any information acquired under the authority of this Act concerning any matter which is entitled to protection as a trade secret.

"(b) No brand manufacturer, printer, or other person shall cast, print, lithograph, or otherwise make any device containing any official mark or simulation thereof, or any label bearing any such mark or simulation, or any form of official certificate or simulation thereof, except as authorized by the Secretary.

"(c) No person shall—

"(1) forge any official device, mark, or certificate;

"(2) without authorization from the Secretary use any official device, mark, or certificate, or simulation thereof, or alter, detach, deface, or destroy any official device, mark, or certificate;

"(3) contrary to the regulations prescribed by the Secretary, fail to use, or to detach, deface, or destroy any official device, mark, or certificate;

"(4) knowingly possess, without promptly notifying the Secretary or his representative, any official device or any counterfeit, simulated, forged, or improperly altered official certificate or any device or label or any carcass of any poultry, or part or product thereof, bearing any counterfeit, simulated, forged, or improperly altered official mark;

"(5) knowingly make any false statement in any shipper's certificate or other nonofficial or official certificate provided for in the regulations prescribed by the Secretary; or

"(6) knowingly represent that any article has been inspected and passed, or exempted, under this Act when, in fact, it has, respectively, not been so inspected and passed, or exempted."

SEC. 10. Section 10 of said Act (21 U.S.C. 459) is hereby amended be deleting the phrase "in or for marketing in a designated major consuming area" and substituting the phrase "otherwise subject to this Act".

SEC. 11. Section 11 of said Act (21 U.S.C. 460) is hereby amended to read:

"(a) Inspection shall not be provided under this Act at any establishment for the slaughter of poultry or the processing of any carcasses or parts or products of poultry, which are not intended for use as human food, but such articles shall, prior to their offer for sale or transportation in commerce, unless naturally inedible by humans, be denatured or otherwise identified as prescribed by regulations of the Secretary to deter their use for human food. No person shall buy, sell, transport, or offer for sale or transportation, or receive for transportation, in commerce, or import, any poultry carcasses or parts or products thereof which are not intended for use as human food unless they are denatured or otherwise identified as required by the regulations of the Secretary or are naturally inedible by humans.

"(b) The following classes of persons shall, for such period of time as the Secretary may by regulations prescribe, not to exceed two years unless otherwise directed by the Secretary for good cause shown, keep such records as are properly necessary for the effective enforcement of this Act in order to insure against adulterated or misbranded poultry products for the American consumer; and all persons subject to such requirements shall, at all reasonable times, upon notice by a duly authorized representative of the Secretary, afford such representative access to their places of business and opportunity to examine the facilities, inventory, and records thereof, to copy all such records, and to take reasonable samples of their inventory upon payment of the fair market value therefor—

"(1) Any person that engages in the business of slaughtering any poultry or processing, freezing, packaging, or labeling any carcasses, or parts or products of carcasses, of any poultry, for commerce, for use as human food or animal food;

"(2) Any person that engages in the business of buying or selling (as poultry products brokers, wholesalers or otherwise), or transporting, in commerce, or storing in or for commerce, or importing, any carcasses, or parts or products of carcasses, of any poultry;

"(3) Any person that engages in business, in or for commerce, as a renderer, or engages in the business of buying, selling, or transporting, in commerce, or importing, any dead, dying, disabled, or diseased poultry or parts of the carcasses of any poultry that died otherwise than by slaughter.

"(c) No person shall engage in business, in or for commerce, as a poultry products broker, renderer, or animal food manufacturer, or engage in business in commerce as a wholesaler of any carcasses, or parts or products of the carcasses, of any poultry, whether intended for human food or other purposes, or engage in business as a public warehouseman storing any such articles in or for commerce, or engage in the business of buying, selling, or transporting in commerce, or importing, any dead, dying, disabled, or diseased poultry, or parts of the carcasses of any poultry that died otherwise than by slaughter, unless, when required by regulations of the Secretary, he has registered with the Secretary his name, and the address of each place of business at which, and all trade names under which, he conducts such business.

“(d) No person engaged in the business of buying, selling, or transporting in commerce, or importing, dead, dying, disabled, or diseased poultry, or any parts of the carcasses of any poultry that died otherwise than by slaughter, shall buy, sell, transport, offer for sale or transportation, or receive for transportation, in commerce, or import, any dead, dying, disabled, or diseased poultry or parts of the carcasses of any poultry that died otherwise than by slaughter, unless such transaction, transportation or importation is made in accordance with such regulations as the Secretary may prescribe to assure that such poultry, or the unwholesome parts or products thereof, will be prevented from being used for human food.

“(e) The authority conferred on the Secretary by paragraph (b), (c), or (d) of this section with respect to persons engaged in the specified kinds of business in or for commerce may be exercised with respect to persons engaged, in any State or organized territory in, such kinds of business but not in or for commerce, whenever the Secretary determines, after consultation with an appropriate advisory committee provided for in section 5 of this Act, that the State or territory does not have at least equal authority under its laws or such authority is not exercised in a manner to effectuate the purposes of this Act, including the State or territory providing for the Secretary or his representative being afforded access to such places of business and the facilities, inventories, and records thereof, and the taking of reasonable samples, where he determines necessary in carrying out his responsibilities under this Act; and in such case the provisions of paragraph (b), (c), or (d) of this section, respectively, shall apply to such persons to the same extent and in the same manner as if they were engaged in such business in or for commerce and the transactions involved were in commerce.”

SEC. 12. Section 12 of said Act (21 U.S.C. 461) is hereby amended as follows:

(a) Paragraph (a) is amended by changing the first sentence to read:

“Any person who violates the provisions of section 9, 10, 11, 14, or 17 of this Act shall be fined not more than \$1,000 or imprisoned not more than one year, or both; but if such violation involves intent to defraud, or any distribution or attempted distribution of an article that is adulterated (except as defined in section 4(g)(8) of this Act), such person shall be fined not more than \$10,000 or imprisoned not more than three years, or both.”

(b) Paragraph (b) is amended by deleting the phrase “not otherwise eligible” and substituting the phrase “otherwise not eligible”; by deleting the word “slaughtered” each time it appears; and by adding the following before the period at the end of the paragraph: “or unless the carrier refuses to furnish on request of a representative of the Secretary the name and address of the person from whom he received such poultry or poultry products, and copies of all documents, if any there be, pertaining to the delivery of the poultry or poultry products to such carrier”.

(c) A new paragraph (c) is added to read:

“(c) Any person who forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person while engaged in or on account of the performance of his official duties under this Act shall be fined not more than \$5,000 or imprisoned not more than three years, or both. Whoever, in the commission of any such acts, uses a deadly or dangerous weapon, shall be fined not more than \$10,000 or imprisoned not more than ten years, or both. Whoever kills any person while engaged in or on account of the

performance of his official duties under this Act shall be punished as provided under sections 1111 and 1114 of title 18, United States Code."

SEC. 13. (a) Section 14 of said Act (21 U.S.C. 463) is hereby amended by designating the present provisions thereof as paragraph (b); by inserting the word "other" before the word "rules" in said paragraph; and by adding a new paragraph (a) to read:

"(a) The Secretary may by regulations prescribe conditions under which poultry products capable of use as human food, shall be stored or otherwise handled by any person engaged in the business of buying, selling, freezing, storing, or transporting, in or for commerce, or importing, such articles, whenever the Secretary deems such action necessary to assure that such articles will not be adulterated or misbranded when delivered to the consumer. Violation of any such regulation is prohibited.

(b) Section 14 of said Act is further amended by inserting at the end thereof the following new subsection:

"(c) In applying the provisions of section 553(c) of title 5, United States Code, to proposed rule making under this Act, an opportunity for the oral presentation of views shall be accorded all interested persons."

SEC. 14. Section 15 of said Act (21 U.S.C. 464) is hereby amended as follows:

(a) In paragraph (a), subparagraph (1) is deleted and subparagraphs (2), (3), and (4) are redesignated, respectively, as subparagraphs (1), (2), and (3);

(b) In paragraph (a), in redesignated subparagraph (2) (formerly (3)), the date "July 1, 1960" is deleted and the date "January 1, 1970" is substituted therefor;

(c) Paragraph (b) is redesignated as paragraph (e) and new paragraphs (b), (c), and (d) are added to read:

"(b) The Secretary may, under such sanitary conditions as he may by regulations prescribe, exempt from the inspection requirements of this Act the slaughter of poultry, and the processing of poultry products, by any person in any Territory not organized with a legislative body, solely for distribution within such Territory, when the Secretary determines that it is impracticable to provide such inspection within the limits of funds appropriated for administration of this Act and that such exemption will aid in the effective administration of this Act.

"(c)(1) The Secretary shall, by regulation and under such conditions, including sanitary standards, practices, and procedures, as he may prescribe, exempt from specific provisions of this Act—

"(A) the slaughtering by any person of poultry of his own raising, and the processing by him and transportation in commerce of the poultry products exclusively for use by him and members of his household and his nonpaying guests and employees;

"(B) the custom slaughter by any person of poultry delivered by the owner thereof for such slaughter, and the processing by such slaughterer and transportation in commerce of the poultry products exclusively for use, in the household of such owner, by him and members of his household and his nonpaying guests and employees: Provided, That such custom slaughterer does not engage in the business of buying or selling any poultry products capable of use as human food;

"(C) the slaughtering and processing of poultry products in any State or Territory or the District of Columbia by any poultry producer on his own premises with respect to sound and healthy poultry

raised on his premises and the distribution by any person solely within such jurisdiction of the poultry products derived from such operations, if, in lieu of other labeling requirements, such poultry products are identified with the name and address of such poultry producer, and if they are not otherwise misbranded, and are sound, clean, and fit for human food when so distributed; and

“(D) the slaughtering of sound and healthy poultry or the processing of poultry products of such poultry in any State or territory or the District of Columbia by any poultry producer or other person for distribution by him solely within such jurisdiction directly to household consumers, restaurants, hotels, and boarding houses, for use in their own dining rooms, or in the preparation of meals for sales direct to consumers, if, in lieu of other labeling requirements, such poultry products are identified with the name and address of the processor, and if they are not otherwise misbranded and are sound, clean, and fit for human food when distributed by such processor.

The exemptions provided for in clauses (C) and (D) above shall not apply if the poultry producer or other person engages in the current calendar year in the business of buying or selling any poultry or poultry products other than as specified in such clauses.

“(2) In addition to the specific exemptions provided herein, the Secretary shall, when he determines that the protection of consumers from adulterated or misbranded poultry products will not be impaired by such action, provide by regulation, consistent with subparagraph (3), for the exemption of the operation and products of small enterprises (including poultry producers), not exempted under subparagraph (1), which are engaged in any State or Territory or the District of Columbia in slaughtering and/or cutting up poultry for distribution as carcasses or parts thereof solely for distribution within such jurisdiction, from such provisions of this Act as he deems appropriate, while still protecting the public from adulterated or misbranded products, under such conditions, including sanitary requirements, as he shall prescribe to effectuate the purposes of this Act.

“(3) No exemption under subparagraph (1) (C) or (D) or subparagraph (2) shall apply to any poultry producer or other person who slaughters or processes the products of more than 5,000 turkeys or an equivalent number of poultry of all species in the current calendar year (four birds of other species being deemed the equivalent of one turkey).

“(4) The provisions of this Act shall not apply to poultry producers with respect to poultry of their own raising on their own farms if (i) such producers slaughter not more than 250 turkeys, or not more than an equivalent number of birds of all species during the calendar year for which this exemption is being determined (four birds of other species being deemed the equivalent of one turkey); (ii) such poultry producers do not engage in buying or selling poultry products other than those produced from poultry raised on their own farms; and (iii) none of such poultry moves in commerce (as defined in section 4(a) of this Act).

“(d) The adulteration and misbranding provisions of this Act, other than the requirement of the inspection legend, shall apply to articles which are exempted from inspection under this section, except as otherwise specified under paragraphs (a) and (c).”

SEC. 15. Section 16 of said Act (21 U.S.C. 465) is hereby amended to read:

"SEC. 16. The Secretary may limit the entry of poultry products and other materials into any official establishment, under such conditions as he may prescribe to assure that allowing the entry of such articles into such inspected establishments will be consistent with the purposes of this Act."

SEC. 16. Section 18 of said Act (21 U.S.C. 467) is hereby amended to read:

"SEC. 18. (a) The Secretary may (for such period, or indefinitely, as he deems necessary to effectuate the purposes of this Act) refuse to provide, or withdraw, inspection service under this Act with respect to any establishment if he determines, after opportunity for a hearing is accorded to the applicant for, or recipient of, such service, that such applicant or recipient is unfit to engage in any business requiring inspection upon this Act because the applicant or recipient or anyone responsibly connected with the applicant or recipient, has been convicted, in any Federal or State court, within the previous ten years of (1) any felony or more than one misdemeanor under any law based upon the acquiring, handling, or distributing of adulterated, mislabeled, or deceptively packaged food or fraud in connection with transactions in food; or (2) any felony, involving fraud, bribery, extortion, or any other act or circumstance indicating a lack of the integrity needed for the conduct of operations affecting the public health. For the purpose of this paragraph a person shall be deemed to be responsibly connected with the business if he was a partner, officer, director, holder, or owner of 10 per centum or more of its voting stock or employee in a managerial or executive capacity.

"(b) Upon the withdrawal of inspection service from any official establishment for failure to destroy condemned poultry products as required under section 6 of this Act, or other failure of an official establishment to comply with the requirements as to premises, facilities, or equipment, or the operation thereof, as provided in section 7 of this Act, or the refusal of inspection service to any applicant therefor because of failure to comply with any requirements under section 7, the applicant for, or recipient of, the service shall, upon request, be afforded opportunity for a hearing with respect to the merits or validity of such action; but such withdrawal or refusal shall continue in effect unless otherwise ordered by the Secretary.

"(c) The determination and order of the Secretary when made after opportunity for hearing, with respect to withdrawal or refusal of inspection service under this Act shall be final and conclusive unless the affected applicant for, or recipient of, inspection service files application for judicial review within thirty days after the effective date of such order in the United States Court of Appeals as provided in section 8 of this Act. Judicial review of any such order shall be upon the record upon which the determination and order are based. The provisions of section 204 of the Packers and Stockyards Act of 1921, as amended, shall be applicable to appeals taken under this section."

SEC. 17. Sections 19 through 22 of said Act (21 U.S.C. 468, 469, 451 note) are hereby redesignated as sections 25, 26, 28, and 29, respectively, and new sections 19, 20, 21, 22, 23, 24, and 27 are added to the Act to read, respectively:

"SEC. 19. Whenever any poultry product, or any product exempted from the definition of a poultry product, or any dead, dying, disabled, or diseased poultry is found by any authorized representative of the Secretary upon any premises where it is held for purposes of, or during or after distribution in, commerce or otherwise subject to this Act, and there

is reason to believe that any such article is adulterated or misbranded and is capable of use as human food, or that it has not been inspected, in violation of the provisions of this Act or of any other Federal law or the laws of any State or Territory, or the District of Columbia, or that it has been or is intended to be, distributed in violation of any such provisions, it may be detained by such representative for a period not to exceed twenty days, pending action under section 20 of this Act or notification of any Federal, State, or other governmental authorities having jurisdiction over such article or poultry, and shall not be moved by any person, from the place at which it is located when so detained, until released by such representative. All official marks may be required by such representative to be removed from such article or poultry before it is released unless it appears to the satisfaction of the Secretary that the article or poultry is eligible to retain such marks.

"SEC. 20. (a) Any poultry product, or any dead, dying, disabled, or diseased poultry, that is being transported in commerce or otherwise subject to this Act, or is held for sale in the United States after such transportation, and that (1) is or has been processed, sold, transported, or otherwise distributed or offered or received for distribution in violation of this Act, or (2) is capable of use as human food and is adulterated or misbranded, or (3) in any other way is in violation of this Act, shall be liable to be proceeded against and seized and condemned, at any time, on a libel of information in any United States district court or other proper court as provided in section 21 of this Act within the jurisdiction of which the article or poultry is found. If the article or poultry is condemned it shall, after entry of the decree, be disposed of by destruction or sale as the court may direct and the proceeds, if sold, less the court costs and fees, and storage and other proper expenses, shall be paid into the Treasury of the United States, but the article or poultry shall not be sold contrary to the provisions of this Act, or the laws of the jurisdiction in which it is sold: Provided, That upon the execution and delivery of a good and sufficient bond conditioned that the article or poultry shall not be sold or otherwise disposed of contrary to the provisions of this Act, or the laws of the jurisdiction in which disposal is made, the court may direct that such article or poultry be delivered to the owner thereof subject to such supervision by authorized representatives of the Secretary as is necessary to insure compliance with the applicable laws. When a decree of condemnation is entered against the article or poultry and it is released under bond, or destroyed, court costs and fees, and storage and other proper expenses shall be awarded against the person, if any, intervening as claimant of the article or poultry. The proceedings in such libel cases shall conform, as nearly as may be, to the proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in any case, and all such proceedings shall be at the suit of and in the name of the United States.

"(b) The provisions of this section shall in no way derogate from authority for condemnation or seizure conferred by other provisions of this Act, or other laws.

"SEC. 21. The United States district courts, the District Court of Guam, the District Court of the Virgin Islands, the highest court of American Samoa, and the United States courts of the other territories, are vested with jurisdiction specifically to enforce, and to prevent and restrain violations of, this Act, and shall have jurisdiction in all other kinds of cases arising under this Act, except as provided in section 8(d) or 18

of this Act. All proceedings for the enforcement or to restrain violations of this Act shall be by and in the name of the United States. Subpenas for witnesses who are required to attend a court of the United States, in any district, may run into any other district in any such proceeding.

"SEC. 22. For the efficient administration and enforcement of this Act, the provisions (including penalties) of sections 6, 8, 9, and 10 of the Federal Trade Commission Act, as amended (38 Stat. 721-723, as amended; 15 U.S.C. 46, 48, 49, and 50) (except paragraphs (c) through (h) of section 6 and the last paragraph of section 9), and the provisions of subsection 409(l) of the Communications Act of 1934 (48 Stat. 1096, as amended; 47 U.S.C. 409(l)), are made applicable to the jurisdiction, powers, and duties of the Secretary in administering and enforcing the provisions of this Act and to any person with respect to whom such authority is exercised. The Secretary, in person or by such agents as he may designate, may prosecute any inquiry necessary to his duties under this Act in any part of the United States, and the powers conferred by said sections 9 and 10 of the Federal Trade Commission Act as amended on the district courts of the United States may be exercised for the purposes of this Act by any court designated in section 21 of this Act.

"SEC. 23. Requirements within the scope of this Act with respect to premises, facilities and operations of any official establishment, which are in addition to, or different than those made under this Act may not be imposed by any State or Territory or the District of Columbia, except that any such jurisdiction may impose recordkeeping and other requirements within the scope of paragraph (b) of section 11 of this Act, if consistent therewith, with respect to any such establishment. Marking, labeling, packaging, or ingredient requirements (or storage or handling requirements found by the Secretary to unduly interfere with the free flow of poultry products in commerce) in addition to, or different than, those made under this Act may not be imposed by any State or Territory or the District of Columbia with respect to articles prepared at any official establishment in accordance with the requirements under this Act, but any State or Territory or the District of Columbia may, consistent with the requirements under this Act, exercise concurrent jurisdiction with the Secretary over articles required to be inspected under this Act, for the purpose of preventing the distribution for human food purposes of any such articles which are adulterated or misbranded and are outside of such an establishment, or, in the case of imported articles which are not at such an establishment, after their entry into the United States. This Act shall not preclude any State or Territory or the District of Columbia from making requirement or taking other action, consistent with this Act, with respect to any other matters regulated under this Act.

"SEC. 24. (a) Poultry and poultry products shall be exempt from the provisions of the Federal Food, Drug, and Cosmetic Act to the extent of the application or extension thereto of the provisions of this Act, except that the provisions of this Act shall not derogate from any authority conferred by the Federal Food, Drug, and Cosmetic Act prior to enactment of the Wholesome Poultry Products Act.

"(b) The detainer authority conferred by section 19 of this Act shall apply to any authorized representative of the Secretary of Health, Education, and Welfare for purposes of the enforcement of the Federal Food, Drug, and Cosmetic Act with respect to any poultry carcass, or part or product thereof, that is outside any official establishment, and for such purposes the first reference to the Secretary in section 19 shall be deemed to refer to the Secretary of Health, Education, and Welfare.

"SEC. 27. The Secretary shall annually report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture and Forestry of the Senate with respect to the slaughter of poultry subject to this Act, and the preparation, storage, handling, and distribution of poultry parts, poultry products, and inspection of establishments operated in connection therewith, including the operations under and the effectiveness of this Act."

SEC. 18. The heading "Designation" preceding section 5 of said Act is hereby amended to read "Federal and State cooperation"; the heading "Labeling" preceding section 8 of said Act is hereby amended to read "Labeling and containers; standards"; the heading "Records of interstate shipment" preceding section 11 of said Act is hereby amended to read "Articles not intended for human food; record and related requirements for processors of poultry products and related industries engaged in commerce; registration requirements for related industries engaged in commerce; regulation of transactions in commerce in dead, dying, disabled, or diseased poultry and carcasses thereof; authority to regulate comparable intrastate activities"; and the heading "Violations by exempted persons" preceding section 16 of said Act is hereby amended to read "Entry of materials into official establishments."

SEC. 19. If any provisions of this Act or of the amendments made hereby or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and the remaining amendments and of the application of such provision to other persons and circumstances shall not be affected thereby.

SEC. 20. This Act shall become effective upon enactment except as provided in paragraphs (a) through (c):

(a) The provisions of subparagraphs (a)(2)(A) and (a)(3) of section 9 of the Poultry Products Inspection Act, as amended by section 9 of this Act, shall become effective upon the expiration of sixty days after enactment hereof.

(b) Section 14 of this Act, amending section 15 of the Poultry Products Inspection Act, shall become effective upon the expiration of sixty days after enactment hereof.

(c) Paragraph 11(d) of the Poultry Products Inspection Act, as added by section 11 of this Act, shall become effective upon the expiration of sixty days after enactment hereof.

And the Senate agree to the same.

GRAHAM PURCELL,
FRANK A. STUBBLEFIELD,
THOMAS S. FOLEY,
CATHERINE MAY,

Managers on the Part of the House.

ALLEN J. ELLENDER,
SPESSARD L. HOLLAND,
HERMAN E. TALMADGE,
JOSEPH M. MONTOKA,
GEORGE AIKEN,
MILTON R. YOUNG,
J. CALEB BOGGS,

Managers on the Part of the Senate.

STATEMENT OF MANAGERS ON THE PART OF THE HOUSE

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 16363) to clarify and otherwise amend the Poultry Products Inspection Act, to provide for cooperation with appropriate State agencies with respect to State poultry products inspection programs, and for other purposes, submit the following statement in explanation of the effect of the act agreed upon by the conferees and recommended in an accompanying conference report.

The House receded from its disagreement to the Senate amendment of section 9(a), striking the word "knowingly" in order that the Poultry Act might conform to the corresponding section of the Federal Meat Inspection Act.

The Senate receded from its second amendment prohibiting the change in the official inspection legend for the reason that the Department had no present plans to change the same. It was the intent of the conferees and agreed in conference that the Secretary shall not require any change in the official inspection legend in use under this act on the date of enactment of the Wholesome Poultry Products Act without reasonable notice to the processors and the opportunity for public hearing. If such change is made, ample time shall be provided for use by the processors of the supplies of labeling material on hand on the date of such change.

The managers on the part of the House receded to the Senate amendment striking out the requirements that labeling information be arbitrarily placed on both the carcass and the container in the case of nonconsumer packaged carcasses. The conference language as agreed to would give the Secretary the discretion whenever such action was both practicable and necessary to require nonconsumer packaged carcasses leaving the processing plant to bear directly thereon any information the Secretary might consider necessary from paragraph (h) of section 4 of the act, but not necessarily all or even a major portion of such information. In practice, it might be possible to require only the name and address of the processor but the conferees intend that such requirement be minimal.

The managers on the part of the House receded to the Senate amendment which would provide interested parties with an opportunity to present their views orally with respect to proposed rulemaking under the Wholesome Poultry Products Act.

With the addition of the word "unduly," the conferees agreed to the amendment by the Senate prohibiting a State, territory, or the District of Columbia from imposing storage or handling regulations. It was agreed in conference that the Secretary needed such authority to dictate storage or handling requirements or the removal thereof only where those requirements unduly interfered with the flow of poultry products in commerce.

Managers on the part of the House receded to the omission by the Senate of the House language limiting the Secretary of Agriculture's

authority to regulate storage and handling under section 13 of the act to permit the regulation by States rather than the Federal Government of these steps by local retail stores, restaurants, and similar local enterprises. This was considered as being in consonance with the previous change.

The managers on the part of the House receded to the inclusion as a part of the declaration of policy a statement to the effect that scientific fact, information, or other criteria must support the condemnation of poultry or poultry products because of disease.

The managers on the part of the Senate receded to the language of the House bill and struck its amendment to the import poultry section of the Poultry Products Inspection Act. It was agreed that imported poultry constituted a very small segment of the industry and that it presented no problem requiring legislation.

The conferees agreed to a new exemption category by the inclusion in the conference report of a new section, 15(c)(4). This provides for a complete exclusion from the provisions of the act of all poultry producers with respect to poultry of their own raising on their own farms if such producers do not buy or sell poultry products other than those produced from poultry raised on their farms, and if none of such poultry moves in interstate commerce so long as such producer slaughters not more than 250 turkeys, or not more than an equivalent number of birds of all species during the calendar year the exemption is determined. For the purposes of this act four birds of other species are deemed equivalent to one turkey. This would enable the producer of this category to slaughter not more than 1,000 chickens and still be exempt from the act.

Subsection 15(c)(3) was amended in conference to provide that poultry producers or processors of 5,000 turkeys or an equivalent number of other poultry in the current calendar year (four birds of other species being equivalent to one turkey) might, by the regulation of the Secretary of Agriculture, under conditions of sanitary standards practices and procedures that he prescribed, be exempt from specific provisions of the act. It was agreed that the Secretary shall exercise such authority over this category of producer or processor as may be necessary to assure consumers of wholesome poultry products processed under sanitary conditions. The conferees by this action intended that the exemption granted producers slaughtering their own birds in small numbers, 250 turkeys or 1,000 other birds, be absolutely immune to this act but that limited authority be extended the Secretary over processors or producers slaughtering their own birds, in amounts from 250 turkeys, or their equivalent, up to but not more than 5,000 turkeys or the equivalent number of birds of other species.

GRAHAM PURCELL,
FRANK A. STUBBLEFIELD,
THOMAS S. FOLEY,
CATHERINE MAY,

Managers on the Part of the House.

committee out to make sure that these funds are spent for the purposes for which they were intended.

That is all that this resolution does.

Mr. GROSS. Does not the gentleman know that the Committee on Foreign Affairs sends junketeers around the world to check on foreign aid?

Mr. GRAY. Yes, and the gentleman is very expert in that field.

Mr. GROSS. No, I am not an expert. But they are supposed to be experts in that field.

Mr. GRAY. Now I am not being facetious—the gentleman is an expert in the field of foreign affairs. He serves on that committee and has rendered very valuable service to this House. So I am not making fun. What I am getting at is we want to take the staff along—and people who are versed on subject matters and programs handled by our committee and people who will know exactly when they look at a bridge whether it is designed like our bridges are designed and so forth. What we want is valuable information you can not get at home.

Mr. GROSS. It would be impossible, I suppose, to write a letter to England and get some of the details on the new plant that you spoke about there. You just have to go over there to see it; is that right?

Mr. GRAY. It would be pretty hard if not impossible to make a determination on it without looking at it first hand.

Mr. GROSS. Are you going to take any expert engineers or chemical experts along so that they can explain the operation of this plant to you and to the members of the committee?

Mr. GRAY. We have never traveled without an expert with us and I am sure that they will be expert in the field of getting information for the Congress and the American people.

Mr. GROSS. I do not know that anybody has ever accused Republicans of being expert in all things—maybe they are.

Mr. GRAY. I understand the question that the gentleman is raising and it is an important one. I am also trying to be very serious and to point out that this is for the purpose of obtaining information concerning these multibillion-dollar programs that we have underway in our country.

The interstate highway program alone is going to cost over \$56 billion before it is completed in 1974.

We think we need to get all the information we can.

Mr. GROSS. There are all kinds of ex-servicemen in this country who could tell you all about the Autobahn in Germany or whatever that highway is known as over there—as well as most of the other highways in Europe. There are Army engineers who have been over there and they can tell you all about them—without taking a junket.

But in any event, when you get back will you report to the House on the subject of "Related Subjects"?

Mr. GRAY. I will be glad to do so.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I opposed a resolution somewhat similar to the pending resolution and lost. I have no intention of opposing this one. I think it has been ade-

quately presented. I hope the Members who go will have a very pleasant and enjoyable trip.

Mr. MATSUNAGA. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. ALBERT). The question is on the resolution.

The question was taken.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 218, nays 107, not voting 108, as follows:

[Roll No. 304]

YEAS—218

Abernethy	Gonzalez	Passman
Adair	Gray	Patten
Addabbo	Green, Pa.	Pepper
Albert	Griffin	Perkins
Andrews, Ala.	Griffiths	Philbin
Andrews, N. Dak.	Grover	Pickle
Annunzio	Hagan	Pike
Ashley	Halpern	Pirnie
Aspinall	Hammer-	Poage
Ayres	schmidt	Podell
Belcher	Hanley	Pollock
Berry	Hanna	Pryor
Bevill	Hardy	Purcell
Bingham	Harvey	Randall
Brademas	Hathaway	Rees
Brasco	Hays	Reifel
Bray	Hechler, W. Va.	Reuss
Brinkley	Helstoski	Rivers
Brooks	Henderson	Roberts
Brown, Calif.	Hicks	Rodino
Broyhill, Va.	Holifield	Rogers, Colo.
Burke, Mass.	Hull	Ronan
Burleson	Hungate	Rooney, N.Y.
Burton, Calif.	Irwin	Rooney, Pa.
Byrne, Pa.	Joelson	Rosenthal
Cabell	Johnson, Calif.	Roush
Cahill	Johnson, Pa.	Roybal
Carter	Jones, Ala.	St Germain
Casey	Jones, Mo.	St. Onge
Clark	Jones, N.C.	Sandman
Clausen,	Karth	Saylor
Don H.	Kazen	Scheuer
Cohelan	Kee	Schwengel
Colmer	Keith	Selden
Corners	Kelly	Shipley
Corman	Kluczynski	Sisk
Culver	Kornegay	Skubitz
Daddario	Kyros	Smith, Iowa
Daniels	Leggett	Snyder
Dawson	Lennon	Springer
de la Garza	Long, Md.	Stafford
Delaney	McCarthy	Staggers
Dellenback	McCloskey	Steed
Dervinski	McCulloch	Stephens
Dingell	McDade	Stratton
Donohue	McDonald,	Stubblefield
Dorn	Mich.	Stuckey
Dow	McEwen	Sullivan
Downing	McFall	Taylor
Dulski	Macdonald,	Teague, Calif.
Eckhardt	Mass.	Tenzer
Edmondson	Madden	Thompson, N.J.
Edwards, La.	Mailliard	Tierman
Eilberg	Mathias, Calif.	Tunney
Erlenborn	Matsunaga	Udall
Farbstein	Meskill	Van Deerlin
Fascell	Michel	Vander Jagt
Findley	Miller, Ohio	Vanik
Fisher	Minish	Vigorito
Flynt	Mink	Waldie
Ford, Gerald R.	Montgomery	Walker
Fountain	Moorhead	Watts
Fraser	Morgan	Whalen
Friedel	Morris, N. Mex.	Whalley
Fulton, Pa.	Moss	White
Fuqua	Murphy, Ill.	Whitener
Galifianakis	Murphy, N.Y.	Williams, Pa.
Gardner	Natcher	Wilson, Bob
Garmatz	Nedzi	Wilson,
Gathings	Nichols	Charles H.
Gettys	O'Hara, Ill.	Wolff
Gialmo	O'Hara, Mich.	Wright
Gibbons	Olsen	Young
Gilbert	O'Neal, Ga.	Zablocki
	O'Neill, Mass.	

NAYS—107

Adams	Gross	Pucinski
Arends	Haley	Railsback
Ashmore	Hall	Reid, Ill.
Bates	Hamilton	Reid, N.Y.
Bell	Harrison	Reinecke
Bennett	Harsha	Riegle
Betts	Horton	Robison
Biester	Hosmer	Rogers, Fla.
Blackburn	Hunt	Roth
Boland	Hutchinson	Rumsfeld
Brotzman	Ichord	Ruppe
Brown, Ohio	Jacobs	Ryan
Broyhill, N.C.	Jarman	Satterfield
Buchanan	Jonas	Schadeberg
Bush	Kastenmeier	Scherle
Button	Kleppe	Schneebeli
Byrnes, Wis.	Kyl	Schweiker
Cederberg	Laird	Scott
Chamberlain	Langen	Shriver
Clancy	Lloyd	Smith, Calif.
Clawson, Del	McClure	Smith, N.Y.
Cleveland	Mahon	Smith, Okla.
Collier	Marsh	Stanton
Conable	May	Steiger, Ariz.
Cunningham	Mayne	Steiger, Wis.
Curtis	Meeds	Thompson, Ga.
Denney	Mills	Thomson, Wis.
Dickinson	Mize	Ullman
Dowdy	Mosher	Utt
Duncan	Myers	Wiggins
Edwards, Ala.	Nelsen	Winn
Eshleman	O'Konski	Wyatt
Evans, Colo.	Pelly	Wylie
Foley	Pettis	Wyman
Goodling	Poff	Yates
Green, Oreg.	Price, Tex.	Zwach

NOT VOTING—108

Abbitt	Fallon	Machen
Anderson, Ill.	Feighan	Martin
Anderson, Tenn.	Fino	Mathias, Md.
Ashbrook	Flood	Miller, Calif.
Baring	Ford	Minshall
Barrett	William D.	Monagan
Battin	Frelinghuysen	Moore
Blanton	Fulton, Tenn.	Morse, Mass.
Blatnik	Gallagher	Morton
Boggs	Goodell	Nix
Bolling	Gubser	Ottinger
Bolton	Gude	Patman
Bow	Gurney	Price, Ill.
Brock	Halleck	Quie
Broomfield	Hansen, Idaho	Quillen
Brown, Mich.	Hansen, Wash.	Rarick
Burke, Fla.	Hawkins	Resnick
Burton, Utah	Hébert	Rhodes, Ariz.
Carey	Heckler, Mass.	Rhodes, Pa.
Celler	Herlong	Rostenkowski
Conte	Holland	Roudebush
Corbett	Howard	Sikes
Cowger	Karsten	Slack
Cramer	King, Calif.	Taft
Davis, Ga.	King, N.Y.	Talcott
Davis, Wis.	Kirwan	Teague, Tex.
Dent	Kupferman	Tuck
Devine	Kuykendall	Waggonner
Diggs	Laudrum	Wampler
Dole	Latta	Watkins
Dwyer	Lippscomb	Watson
Edwards, Calif.	Long, La.	Whitten
Esch	Lukens	Widnall
Everett	McClory	Willis
Evins, Tenn.	McMillan	Wylder
	MacGregor	Zion

So the resolution was agreed to.

Mr. ADAMS and Mr. BELL changed their votes from "yea" to "nay."

Mr. SKUBITZ changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill and concurrent resolution of the House of the following titles:

H.R. 18254. An act to amend further section 27 of the Merchant Marine Act, 1920;

H. Con. Res. 213. Concurrent resolution authorizing the printing as a House document of the letters of Vice Adm. Hyman G. Rickover relating to the distinguished Americans in whose honor the U.S. Navy Polaris nuclear submarines were named; and

H. Con. Res. 781. Concurrent resolution authorizing the printing as a House document the publication "The Present-Day Ku Klux Klan Movement," and providing for the printing of additional copies.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 3865) entitled "An act for the relief of Mauritz A. Sterner," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HART, Mr. McCLELLAN, and Mr. FONG to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 827) entitled "An act to establish a nationwide system of trails, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. JACKSON, Mr. MOSS, Mr. NELSON, Mr. KUCHEL, and Mr. ALLOTT to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 17126) entitled "An act to amend the Food and Agriculture Act of 1965," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. ELLENDER, Mr. HOLLAND, Mr. TALMADGE, Mr. JORDON of North Carolina, Mr. AIKEN, Mr. YOUNG of North Dakota, and Mr. BOGGS to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 15758) entitled "An act to amend the Public Health Service Act so as to extend and improve the provisions relating to regional medical programs, to extend the authorization of grants for health of migratory agricultural workers, to provide for specialized facilities for alcoholics and narcotic addicts, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HILL, Mr. YARBOROUGH, Mr. WILLIAMS of New Jersey, Mr. PELL, Mr. KENNEDY, Mr. JAVITS, Mr. MURPHY, and Mr. DOMINICK to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 3068) entitled "An act to amend the Food Stamp Act of 1964, as amended," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. ELLENDER, Mr. HOLLAND, Mr. TALMADGE, Mr. JORDAN of North Carolina, Mr. AIKEN, Mr. YOUNG of North Dakota, and Mr. BOGGS to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 13781) entitled "An act to amend title II

of the Marine Resources and Engineering Development Act of 1966."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10932) entitled "An act for the relief of Gilmour C. MacDonald, colonel, U.S. Air Force (retired)."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17522) entitled "An act making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1969, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 18188) entitled "An act making appropriations for the Department of Transportation for the fiscal year ending June 30, 1969, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3710) entitled "An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes."

WHOLESOME POULTRY PRODUCTS INSPECTION ACT

Mr. PURCELL submitted the following conference report and statement on the bill (H.R. 16363) to clarify and otherwise amend the Poultry Products Inspection Act, to provide for cooperation with appropriate State agencies with respect to State poultry products inspection programs, and for other purposes.

CONFERENCE REPORT (H. REPT. No. 1839)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 16363), to clarify and otherwise amend the Poultry Products Inspection Act, to provide for cooperation with appropriate State agencies with respect to State poultry products inspection programs, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"That this Act may be cited as the 'Wholesome Poultry Products Act'.

"SEC. 2. Section 2 of the Poultry Products Inspection Act (71 Stat. 441, as amended; 21 U.S.C. 451) is hereby amended to read:

"SEC. 2. Poultry and poultry products are an important source of the Nation's total supply of food. They are consumed throughout the Nation and the major portion thereof moves in interstate or foreign commerce. It is essential in the public interest that the health and welfare of consumers be protected

by assuring that poultry products distributed to them are wholesome, not adulterated, and properly marked, labeled, and packaged. Unwholesome, adulterated, or misbranded poultry products impair the effective regulation of poultry products in interstate or foreign commerce, are injurious to the public welfare, destroy markets for wholesome, not adulterated, and properly labeled and packaged poultry products, and result in sundry losses to poultry producers and processors of poultry and poultry products, as well as injury to consumers. It is hereby found that all articles and poultry which are regulated under this Act are either in interstate or foreign commerce or substantially affect such commerce, and that regulation by the Secretary of Agriculture and cooperation by the States and other jurisdictions as contemplated by this Act are appropriate to prevent and eliminate burdens upon such commerce, to effectively regulate such commerce, and to protect the health and welfare of consumers."

SEC. 3. Section 3 of said Act (21 U.S.C. 452) is hereby amended to read:

"SEC. 3. It is hereby declared to be the policy of the Congress to provide for the inspection of poultry and poultry products and otherwise regulate the processing and distribution of such articles as hereinafter prescribed to prevent the movement or sale in interstate or foreign commerce of, or the burdening of such commerce by, poultry products which are adulterated or misbranded. It is the intent of Congress that when poultry and poultry products are condemned because of disease, the reason for condemnation in such instances shall be supported by scientific fact, information, or criteria, and such condemnation under this Act shall be achieved through uniform inspection standards and uniform applications thereof."

"SEC. 4. Section 4 of said Act (21 U.S.C. 453) is hereby amended to read:

"SEC. 4. For purpose of this Act—

"(a) The term "commerce" means commerce between any State, any territory, or the District of Columbia, and any place outside thereof; or within any territory not organized with a legislative body, or the District of Columbia.

"(b) Except as otherwise provided in this Act, the term "State" means any State of the United States and the Commonwealth of Puerto Rico.

"(c) The term "territory" means Guam, the Virgin Islands of the United States, American Samoa, and any other territory or possession of the United States, excluding the Canal Zone.

"(d) The term "United States" means the States, the District of Columbia, and the territories of the United States.

"(e) The term "poultry" means any domesticated bird, whether live or dead.

"(f) The term "poultry product" means any poultry carcass, or part thereof; or any product which is made wholly or in part from any poultry carcass or part thereof, excepting products which contain poultry ingredients only in a relatively small proportion or historically have not been considered by consumers as products of the poultry food industry, and which are exempted by the Secretary from definition as a poultry product under such conditions as the Secretary may prescribe to assure that the poultry ingredients in such products are not adulterated and that such products are not represented as poultry products.

"(g) The term "adulterated" shall apply to any poultry product under one or more of the following circumstances:

"(1) if it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance, such article shall not be considered adulterated under this clause if the quantity of such substance

in or on such article does not ordinarily render it injurious to health;

“(2) (A) if it bears or contains (by reason of administration of any substance to the live poultry or otherwise) any added poisonous or added deleterious substance (other than one which is (i) a pesticide chemical in or on a raw agricultural commodity; (ii) a food additive; or (iii) a color additive) which may, in the judgment of the Secretary make such article unfit for human food;

“(B) if it is, in whole or in part, a raw agricultural commodity and such commodity bears or contains a pesticide chemical which is unsafe within the meaning of section 408 of the Federal Food, Drug, and Cosmetic Act;

“(C) if it bears or contains any food additive which is unsafe within the meaning of section 409 of the Federal Food, Drug, and Cosmetic Act;

“(D) if it bears or contains any color additive which is unsafe within the meaning of section 706 of the Federal Food, Drug, and Cosmetic Act: *Provided*, That an article which is not otherwise deemed adulterated under clause (B), (C), or (D) shall nevertheless be deemed adulterated if use of the pesticide chemical, food additive, or color additive in or on such article is prohibited by regulations of the Secretary in official establishments;

“(3) if it consists in whole or in part of any filthy, putrid, or decomposed substance or is for any other reason unsound, unhealthful, unwholesome, or otherwise unfit for human food;

“(4) if it has been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health;

“(5) if it is, in whole or in part, the product of any poultry which has died otherwise than by slaughter;

“(6) if its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health;

“(7) if it has been intentionally subjected to radiation, unless the use of the radiation was in conformity with a regulation or exemption in effect pursuant to section 409 of the Federal Food, Drug, and Cosmetic Act; or

“(8) if any valuable constituent has been in whole or in part omitted or abstracted therefrom; or if any substance has been substituted, wholly or in part therefor; or if damage or inferiority has been concealed in any manner; or if any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is.

“(h) The term “misbranded” shall apply to any poultry product under one or more of the following circumstances:

“(1) if its labeling is false or misleading in any particular;

“(2) if it is offered for sale under the name of another food;

“(3) if it is an imitation of another food, unless its label bears, in type of uniform size and prominence, the word “imitation” and immediately thereafter, the name of the food imitated;

“(4) if its container is so made, formed, or filled as to be misleading;

“(5) unless it bears a label showing (A) the name and the place of business of the manufacturer, packer, or distributor; and (B) an accurate statement of the quantity of the product in terms of weight, measure, or numerical count: *Provided*, That under clause (B) of this subparagraph (5) reasonable variations may be permitted, and exemptions as to small packages or articles not in packages or other containers may be established by regulations prescribed by the Secretary;

“(6) if any word, statement, or other information required by or under authority of this Act to appear on the label or other labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;

“(7) if it purports to be or is represented as a food for which a definition and standard of identity or composition has been prescribed by regulations of the Secretary under section 8 of this Act unless (A) it conforms to such definition and standard, and (B) its label bears the name of the food specified in the definition and standard and, insofar as may be required by such regulations, the common names of optional ingredients (other than spices, flavoring, and coloring) present in such food;

“(8) if it purports to be or is represented as a food for which a standard or standards of fill of container have been prescribed by regulations of the Secretary under section 8 of this Act, and it falls below the standard of fill of container applicable thereto, unless its label bears, in such manner and form as such regulations specify, a statement that it falls below such standard;

“(9) if it is not subject to the provisions of subparagraph (7), unless its label bears (A) the common or usual name of the food, if any there be, and (B) in case it is fabricated from two or more ingredients, the common or usual name of each such ingredient; except that spices, flavorings, and colorings may, when authorized by the Secretary, be designated as spices, flavorings, and colorings without naming each: *Provided*, That to the extent that compliance with the requirements of clause (B) of this subparagraph (9) is impracticable or results in deception or unfair competition, exemptions shall be established by regulations promulgated by the Secretary;

“(10) if it purports to be or is represented for special dietary uses unless its label bears such information concerning its vitamin, mineral, and other dietary properties as the Secretary, after consultation with the Secretary of Health, Education, and Welfare, determines to be, and by regulations prescribes as, necessary in order fully to inform purchasers as to its value for such uses;

“(11) if it bears or contains any artificial flavoring, artificial coloring, or chemical preservative, unless it bears labeling stating that fact: *Provided*, That, to the extent that compliance with the requirements of this subparagraph (11) is impracticable, exemptions shall be established by regulations promulgated by the Secretary; or

“(12) if it fails to bear on its containers, and in the case of nonconsumer packaged carcasses (if the Secretary so requires) directly thereon, as the Secretary may by regulations prescribe, the official inspection legend and official establishment number of the establishment where the article was processed, and, unrestricted by any of the foregoing, such other information as the Secretary may require in such regulations to assure that it will not have false or misleading labeling and that the public will be informed of the manner of handling required to maintain the article in a wholesome condition.

“(i) The term “Secretary” means the Secretary of Agriculture or his delegate.

“(j) The term “person” means any individual, partnership, corporation, association, or other business unit.

“(k) The term “inspector” means: (1) an employee or official of the United States Government authorized by the Secretary to inspect poultry and poultry products under the authority of this Act, or (2) any employee or official of the government of any State or territory or the District of Columbia

authorized by the Secretary to inspect poultry and poultry products under authority of this Act, under an agreement entered into between the Secretary and the appropriate State or other agency.

“(l) The term “official mark” means the official inspection legend or any other symbol prescribed by regulation of the Secretary to identify the status of any article or poultry under this Act.

“(m) The term “official inspection legend” means any symbol prescribed by regulations of the Secretary showing that an article was inspected for wholesomeness in accordance with this Act.

“(n) The term “official certificate” means any certificate prescribed by regulations of the Secretary for issuance by an inspector or other person performing official functions under this Act.

“(o) The term “official device” means any device prescribed or authorized by the Secretary for use in applying any official mark.

“(p) The term “official establishment” means any establishment as determined by the Secretary at which inspection of the slaughter of poultry, or the processing of poultry products, is maintained under the authority of this Act.

“(q) The term “inspection service” means the official Government service within the Department of Agriculture designated by the Secretary as having the responsibility for carrying out the provisions of this Act.

“(r) The term “container” or “package” includes any box, can, tin, cloth, plastic, or other receptacle, wrapper, or cover.

“(s) The term “label” means a display of written, printed, or graphic matter upon any article or the immediate container (not including packaged liners) of any article; and the term “labeling” means all labels and other written, printed, or graphic matter (1) upon any article or any of its containers or wrappers, or (2) accompanying such article.

“(t) The term “shipping container” means any container used or intended for use in packaging the product packed in an immediate container.

“(u) The term “immediate container” includes any consumer package; or any other container in which poultry products, not consumer packaged, are packed.

“(v) The term “capable of use as human food” shall apply to any carcass, or part or product of a carcass, of any poultry, unless it is denatured or otherwise identified as required by regulations prescribed by the Secretary to deter its use as human food, or it is naturally inedible by humans.

“(w) The term “processed” means slaughtered, canned, salted, stuffed, rendered, boned, cut up, or otherwise manufactured or processed.

“(x) The term “Federal Food, Drug, and Cosmetic Act” means the Act so entitled, approved June 25, 1938 (52 Stat. 1040), and Acts amendatory thereof or supplementary thereto.

“(y) The terms “pesticide chemical”, “food additive”, “color additive”, and “raw agricultural commodity” shall have the same meanings for purposes of this Act as under the Federal Food, Drug, and Cosmetic Act.

“(z) The term “poultry products broker” means any person engaged in the business of buying or selling poultry products on commission, or otherwise negotiating purchases or sales of such articles other than for his own account or as an employee of another person.

“(aa) The term “renderer” means any person engaged in the business of rendering carcasses, or parts or products of the carcasses, of poultry, except rendering conducted under inspection or exemption under this Act.

“(bb) The term “animal food manufacturer” means any person engaged in the business of manufacturing or processing animal

food derived wholly or in part from carcasses, or parts or products of the carcasses, of poultry.'

"Sec. 5. Section 5 of said Act (21 U.S.C. 454) is hereby amended to read:

"Sec. 5. (a) It is the policy of the Congress to protect the consuming public from poultry products that are adulterated or misbranded and to assist in efforts by State and other government agencies to accomplish this objective. In furtherance of this policy—

"(1) The Secretary is authorized, whenever he determines that it would effectuate the purposes of this Act, to cooperate with the appropriate State agency in developing and administering a State poultry product inspection program in any State which has enacted a mandatory State poultry product inspection law that imposes ante mortem and post mortem inspection, reinspection and sanitation requirements that are at least equal to those under this Act, with respect to all or certain classes of persons engaged in the State in slaughtering poultry or processing poultry products for use as human food solely for distribution within such State.

"(2) The Secretary is further authorized, whenever he determines that it would effectuate the purposes of this Act, to cooperate with appropriate State agencies in developing and administering State programs under State laws containing authorities at least equal to those provided in section 11 of this Act; and to cooperate with other agencies of the United States in carrying out any provisions of this Act. In carrying out the provisions of this Act, the Secretary may conduct such examinations, investigations, and inspections as he determines practicable through any officer or employee of any State or Territory or the District of Columbia commissioned by the Secretary for such purpose.

"(3) Cooperation with State agencies under this section may include furnishing to the appropriate State agency (i) advisory assistance in planning and otherwise developing an adequate State program under the State law; and (ii) technical and laboratory assistance and training (including necessary curricular and instructional materials and equipment), and financial and other aid for administration of such a program. The amount to be contributed to any State by the Secretary under this section from Federal funds for any year shall not exceed 50 per centum of the estimated total cost of the cooperative program; and the Federal funds shall be allocated among the States desiring to cooperate on an equitable basis. Such cooperation and payment shall be contingent at all times upon the administration of the State program in a manner which the Secretary, in consultation with the appropriate advisory committee appointed under subparagraph (4), deems adequate to effectuate the purposes of this section.

"(4) The Secretary may appoint advisory committees consisting of such representatives of appropriate State agencies as the Secretary and the State agencies may designate to consult with him concerning State and Federal programs with respect to poultry product inspection and other matters within the scope of this Act, including evaluating State programs for purposes of this Act and obtaining better coordination and more uniformity among the State programs and between the Federal and State programs and adequate protection of consumers.

"(b) The appropriate State agency with which the Secretary may cooperate under this Act shall be a single agency in the State which is primarily responsible for the coordination of the State programs having objectives similar to those under this Act. When the State program includes performance of certain functions by a municipality or other subordinate governmental unit, such unit shall be deemed to be a part of the State agency for purposes of this section.

"(c) (1) If the Secretary has reason to believe, by thirty days prior to the expiration of two years after enactment of the Wholesome Poultry Products Act, that a State has failed to develop or is not enforcing, with respect to all establishments within its jurisdiction (except those that would be exempted from Federal inspection under subparagraph (2) of this paragraph (c)) at which poultry are slaughtered, or poultry products are processed for use as human food, solely for distribution within such State, and the products of such establishments, requirements at least equal to those imposed under sections 1-4, 6-10, and 12-22 of this Act, he shall promptly notify the Governor of the State of this fact. If the Secretary determines, after consultation with the Governor of the State, or representative selected by him, that such requirements have not been developed and activated, he shall promptly after the expiration of such two-year period designate such State as one in which the provisions of said sections of this Act shall apply to operations and transactions wholly within such State: *Provided*, That if the Secretary has reason to believe that the State will activate such requirements within one additional year, he may delay such designation for said period, and not designate the State, if he determines at the end of the year that the State then has such requirements in effective operation. The Secretary shall publish any such designation in the Federal Register and, upon the expiration of thirty days after such publication, the provisions of said sections of this Act shall apply to operations and transactions and to persons engaged therein in the State to the same extent and in the same manner as if such operations and transactions were conducted in or for commerce. However, notwithstanding any other provision of this section, if the Secretary determines that any establishment within a State is producing adulterated poultry products for distribution within such State which would clearly endanger the public health he shall notify the Governor of the State and the appropriate advisory committee provided for by subparagraph (a) (4) of this section of such fact for effective action under State or local law. If the State does not take action to prevent such endangering of the public health within a reasonable time after such notice, as determined by the Secretary, in light of the risk to public health, the Secretary may forthwith designate any such establishment as subject to the provisions of said sections of this Act, and thereupon the establishment and operator thereof shall be subject to such provisions as though engaged in commerce until such time as the Secretary determines that such State has developed and will enforce requirements at least equal to those imposed under said sections.

"(2) The provisions of this Act requiring inspection of the slaughter of poultry and the processing of poultry products shall not apply to operations of types traditionally and usually conducted at retail stores and restaurants, when conducted at any retail store or restaurant or similar retail-type establishment for sale in normal retail quantities or service of such articles to consumers at such establishments if such establishments are subject to such inspection provisions only under this paragraph (c).

"(3) Whenever the Secretary determines that any State designated under this paragraph (c) has developed and will enforce State poultry products inspection requirements at least equal to those imposed under the aforesaid sections of this Act, with respect to the operations and transactions within such State which are regulated under subparagraph (1) of this paragraph (c), he shall terminate the designation of such State under this paragraph (c), but this shall not preclude the subsequent redesignation of the State at any time upon thirty days' notice to the Governor and publication in the Fed-

eral Register in accordance with this paragraph, and any State may be designated upon such notice and publication, at any time after the period specified in this paragraph whether or not the State has theretofore been designated, upon the Secretary determining that it is not effectively enforcing requirements at least equal to those imposed under said sections.

"(4) The Secretary shall promptly upon enactment of the Wholesome Poultry Products Act, and periodically thereafter, but at least annually, review the requirements, including the enforcement thereof, of the several States not designated under this paragraph (c), with respect to the slaughter, and the processing, storage, handling, and distribution of poultry products, and inspection of such operations, and annually report thereon to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture and Forestry of the Senate in the report required in section 27 of this Act.

"(d) As used in this section, the term 'State' means any State (including the Commonwealth of Puerto Rico) or organized territory."

Sec. 6. Section 6 of said Act (21 U.S.C. 455) is hereby amended as follows:

(a) Paragraph (a) is amended to read:

"(a) For the purpose of preventing the entry into or flow or movement in commerce of, or the burdening of commerce by, any poultry product which is capable of use as human food and is adulterated, the Secretary shall, where and to the extent considered by him necessary, cause to be made by inspectors ante mortem inspection of poultry in each official establishment processing poultry or poultry products for commerce or otherwise subject to inspection under this Act."

"(b) Paragraph (b) is amended by deleting the phrase 'in, or for marketing in a designated city or area' and substituting the phrase 'otherwise subject to inspection under this Act'; by inserting the word 'and' before the word 'reinspection'; and by inserting the phrase 'capable of use as human food' after the phrase 'poultry products' the first time the latter phrase appears in the paragraph.

"(c) Paragraph (c) is amended by deleting the phrase 'unwholesome or' and the phrase 'not unwholesome and' each time they appear therein; and by inserting the word 'other' before the phrase 'poultry products'.

"Sec. 7. In section 7 of said Act (21 U.S.C. 456) paragraph (a) is hereby amended by deleting the phrase 'in or for marketing in a designated major consuming area' and substituting the phrase 'otherwise subject to inspection under this Act'; by deleting the phrase 'in a designated major consuming area' and substituting the phrase 'burdensome effect upon commerce'; and by deleting the phrase 'unwholesome or'.

"Sec. 8. Section 8 of said Act (21 U.S.C. 457) is hereby amended to read:

"Sec. 8. (a) All poultry products inspected at any official establishment under the authority of this Act and found to be not adulterated, shall at the time they leave the establishment bear, in distinctly legible form, on their shipping containers and immediate containers as the Secretary may require, the information required under paragraph (h) of section 4 of this Act. In addition, the Secretary whenever he determines such action is practicable and necessary for the protection of the public, may require nonconsumer packaged carcasses at the time they leave the establishment to bear directly thereon in distinctly legible form any information required under such paragraph (h).

"(b) The Secretary, whenever he determines such action is necessary for the protection of the public, may prescribe: (1) the styles and sizes of type to be used with respect to material required to be incorpo-

rated in labeling to avoid false or misleading labeling in marking and labeling any articles or poultry subject to this Act; (2) definitions and standards of identity or composition or articles subject to this Act and standards of fill of container for such articles not inconsistent with any such standards established under the Federal Food, Drug, and Cosmetic Act, and there shall be consultation between the Secretary and the Secretary of Health, Education, and Welfare prior to the issuance of such standards under either Act relating to articles subject to this Act to avoid inconsistency in such standards and possible impairment of the coordinated effective administration of these Acts. There shall also be consultation between the Secretary and an appropriate advisory committee provided for in section 5 of this Act, prior to the issuance of such standards under this Act, to avoid, insofar as feasible, inconsistency between Federal and State standards.

"(c) No article subject to this Act shall be sold or offered for sale by any person in commerce, under any name or other marking or labeling which is false or misleading, or in any container of a misleading form or size, but established trade names and other marking and labeling and containers which are not false or misleading and which are approved by the Secretary are permitted.

"(d) If the Secretary has reason to believe that any marking or labeling or the size or form of any container in use or proposed for use with respect to any article subject to this Act is false or misleading in any particular, he may direct that such use be withheld unless the marking, labeling, or container is modified in such manner as he may prescribe so that it will not be false or misleading. If the person using or proposing to use the marking, labeling, or container does not accept the determination of the Secretary, such person may request a hearing, but the use of the marking, labeling, or container shall, if the Secretary so directs, be withheld pending hearing and final determination by the Secretary. Any such determination by the Secretary shall be conclusive unless, within thirty days after receipt of notice of such final determination, the person adversely affected thereby appeals to the United States Court of Appeals for the circuit in which such person has its principal place of business or to the United States Court of Appeals for the District of Columbia Circuit. The provisions of section 204 of the Packers and Stockyards Act, 1921 (42 Stat. 162, as amended; 7 U.S.C. 194) shall be applicable to appeals taken under this section."

"Sec. 9. Section 9 of said Act (21 U.S.C. 458) is amended to read:

"Sec. 9. (a) No person shall—

"(1) slaughter any poultry or process any poultry products which are capable of use as human food at any establishment processing any such articles for commerce, except in compliance with the requirements of this Act;

"(2) sell, transport, offer for sale or transportation, or receive for transportation, in commerce, (A) any poultry products which are capable of use as human food and are adulterated or misbranded at the time of such sale, transportation, offer for sale or transportation, or receipt for transportation; or (B) any poultry products required to be inspected under this Act unless they have been so inspected and passed;

"(3) do, with respect to any poultry products which are capable of use as human food, any act while they are being transported in commerce or held for sale after such transportation, which is intended to cause or has the effect of causing such products to be adulterated or misbranded;

"(4) sell, transport, offer for sale or transportation, or receive for transportation, in commerce or from an official establishment,

any slaughtered poultry from which the blood, feathers, feet, head, or viscera have not been removed in accordance with regulations promulgated by the Secretary, except as may be authorized by regulations of the Secretary;

"(5) use to his own advantage, or reveal other than to the authorized representatives of the United States Government or any State or other government in their official capacity, or as ordered by a court in any judicial proceedings, any information acquired under the authority of this Act concerning any matter which is entitled to protection as a trade secret.

"(b) No brand manufacturer, printer, or other person shall cast, print, lithograph, or otherwise make any device containing any official mark or simulation thereof, or any label bearing any such mark or simulation, or any form of official certificate or simulation thereof, except as authorized by the Secretary.

"(c) No person shall—

"(1) forge any official device, mark, or certificate;

"(2) without authorization from the Secretary use any official device, mark, or certificate, or simulation thereof, or alter, detach, deface, or destroy any official device, mark, or certificate;

"(3) contrary to the regulations prescribed by the Secretary, fail to use, or to detach, deface, or destroy any official device, mark, or certificate;

"(4) knowingly possess, without promptly notifying the Secretary or his representative, any official device or any counterfeit, simulated, forged, or improperly altered official certificate or any device or label or any carcass of any poultry, or part or product thereof, bearing any counterfeit, simulated, forged, or improperly altered official mark;

"(5) knowingly make any false statement in any shipper's certificate or other nonofficial or official certificate provided for in the regulations prescribed by the Secretary; or

"(6) knowingly represent that any article has been inspected and passed, or exempted, under this Act when, in fact, it has, respectively, not been so inspected and passed, or exempted."

"Sec. 10. Section 10 of said Act (21 U.S.C. 459) is hereby amended by deleting the phrase 'in or for marketing in a designated major consuming area' and substituting the phrase 'otherwise subject to this Act'.

"Sec. 11. Section 11 of said Act (21 U.S.C. 460) is hereby amended to read:

"(a) Inspection shall not be provided under this Act at any establishment for the slaughter of poultry or the processing of any carcasses or parts or products of poultry, which are not intended for use as human food, but such articles shall, prior to their offer for sale or transportation in commerce, unless naturally inedible by humans, be denatured or otherwise identified as prescribed by regulations of the Secretary to deter their use for human food. No person shall buy, sell, transport, or offer for sale or transportation, or receive for transportation, in commerce, or import, any poultry carcasses or parts or products thereof which are not intended for use as human food unless they are denatured or otherwise identified as required by the regulations of the Secretary or are naturally inedible by humans.

"(b) The following classes of persons shall, for such period of time as the Secretary may by regulations prescribe, not to exceed two years unless otherwise directed by the Secretary for good cause shown, keep such records as are properly necessary for the effective enforcement of this Act in order to insure against adulterated or misbranded poultry products for the American consumer; and all persons subject to such requirements shall, at all reasonable times, upon notice by a duly authorized representative of the

Secretary, afford such representative access to their places of business and opportunity to examine the facilities, inventory, and records thereof, to copy all such records, and to take reasonable samples of their inventory upon payment of the fair market value therefor—

"(1) Any person that engages in the business of slaughtering any poultry or processing, freezing, packaging, or labeling any carcasses, or parts or products of carcasses, of any poultry, for commerce, for use as human food or animal food;

"(2) Any person that engages in the business of buying or selling (as poultry products brokers, wholesalers or otherwise), or transporting, in commerce, or storing in or for commerce, or importing, any carcasses, or parts or products of carcasses, of any poultry;

"(3) Any person that engages in business, in or for commerce, as a renderer, or engages in the business of buying, selling, or transporting, in commerce, or importing, any dead, dying, disabled, or diseased poultry or parts of the carcasses of any poultry that died otherwise than by slaughter.

"(c) No person shall engage in business, in or for commerce, as a poultry products broker, renderer, or animal food manufacturer, or engage in business in commerce as a wholesaler of any carcasses, or parts or products of the carcasses, of any poultry, whether intended for human food or other purposes, or engage in business as a public warehouseman storing any such articles in or for commerce, or engage in the business of buying, selling, or transporting in commerce, or importing, any dead, dying, disabled, or diseased poultry, or parts of the carcasses of any poultry that died otherwise than by slaughter, unless, when required by regulations of the Secretary, he has registered with the Secretary his name, and the address of each place of business at which, and all trade names under which, he conducts such business.

"(d) No person engaged in the business of buying, selling, or transporting in commerce, or importing, dead, dying, disabled, or diseased poultry, or any parts of the carcasses of any poultry that died otherwise than by slaughter, shall buy, sell, transport, offer for sale or transportation, or receive for transportation, in commerce, or import, any dead, dying, disabled, or diseased poultry or parts of the carcasses of any poultry that died otherwise than by slaughter, unless such transaction, transportation, or importation is made in accordance with such regulations as the Secretary may prescribe to assure that such poultry, or the unwholesome parts or products thereof, will be prevented from being used for human food.

"(e) The authority conferred on the Secretary by paragraph (b), (c), or (d) of this section with respect to persons engaged in the specified kinds of business in or for commerce may be exercised with respect to persons engaged, in any State or organized territory, in such kinds of businesses but not in or for commerce, whenever the Secretary determines, after consultation with an appropriate advisory committee provided for in section 5 of this Act, that the State or territory does not have at least equal authority under its laws or such authority is not exercised in a manner to effectuate the purposes of this Act, including the State or territory providing for the Secretary or his representative being afforded access to such places of business and the facilities, inventories, and records thereof, and the taking of reasonable samples, where he determines necessary in carrying out his responsibilities under this Act; and in such case the provisions of paragraph (b), (c), or (d) of this section, respectively, shall apply to such persons to the same extent and in the same manner as if they were engaged in such business in or for commerce and the transactions involved were in commerce."

"Sec. 12. Section 12 of said Act (21 U.S.C. 461) is hereby amended as follows:

"(a) Paragraph (a) is amended by changing the first sentence to read:

"Any person who violates the provisions of section 9, 10, 11, 14, or 17 of this Act shall be fined not more than \$1,000 or imprisoned not more than one year, or both; but if such violation involves intent to defraud, or any distribution or attempted distribution of an article that is adulterated (except as defined in section 4(g) (8) of this Act), such person shall be fined not more than \$10,000 or imprisoned not more than three years, or both."

"(b) Paragraph (b) is amended by deleting the phrase 'not otherwise eligible' and substituting the phrase 'otherwise not eligible'; by deleting the word 'slaughtered' each time it appears; and by adding the following before the period at the end of the paragraph: 'or unless the carrier refuses to furnish on request of a representative of the Secretary the name and address of the person from whom he received such poultry or poultry products, and copies of all documents, if any there be, pertaining to the delivery of the poultry or poultry products to such carrier.'"

"(c) A new paragraph (c) is added to read:

"(c) Any person who forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person while engaged in or on account of the performance of his official duties under this Act shall be fined not more than \$5,000 or imprisoned not more than three years, or both. Whoever, in the commission of any such acts, uses a deadly or dangerous weapon, shall be fined not more than \$10,000 or imprisoned not more than ten years, or both. Whoever kills any person while engaged in or on account of the performance of his official duties under this Act shall be punished as provided under sections 1111 and 1114 of title 18, United States Code."

"Sec. 13. (a) Section 14 of said Act (21 U.S.C. 463) is hereby amended by designating the present provisions thereof as paragraph (b); by inserting the word 'other' before the word 'rules' in said paragraph; and by adding a new paragraph (a) to read:

"(a) The Secretary may by regulations prescribe conditions under which poultry products capable of use as human food, shall be stored or otherwise handled by any person engaged in the business of buying, selling, freezing, storing, or transporting, in or for commerce, or importing, such articles whenever the Secretary deems such action necessary to assure that such articles will not be adulterated or misbranded when delivered to the consumer. Violation of any such regulation is prohibited."

"(b) Section 14 of said Act is further amended by inserting at the end thereof the following new subsection:

"(c) In applying the provisions of section 553(c) of title 5, United States Code, to proposed rule making under this Act, an opportunity for the oral presentation of views shall be accorded all interested persons."

"Sec. 14. Section 15 of said Act (21 U.S.C. 464) is hereby amended as follows:

"(a) In paragraph (a), subparagraph (1) is deleted and subparagraphs (2), (3), and (4) are redesignated, respectively, as subparagraphs (1), (2), and (3);

"(b) In paragraph (a), in redesignated subparagraph (2) (formerly (3)), the date 'July 1, 1960' is deleted and the date 'January 1, 1970' is substituted therefor;

"(c) Paragraph (b) is redesignated as paragraph (e) and new paragraphs (b), (c), and (d) are added to read:

"(b) The Secretary may, under such sanitary conditions as he may by regulations prescribe, exempt from the inspection requirements of this Act the slaughter of poultry, and the processing of poultry products, by any person in any Territory not organized with a legislative body, solely for distribution within such Territory, when the Secretary

determines that it is impracticable to provide such inspection within the limits of funds appropriated for administration of this Act and that such exemption will aid in the effective administration of this Act.

"(c) (1) The Secretary shall, by regulation and under such conditions, including sanitary standards, practices, and procedures, as he may prescribe, exempt from specific provisions of this Act—

"(A) the slaughtering by any person of poultry of his own raising, and the processing by him and transportation in commerce of the poultry products exclusively for use by him and members of his household and his nonpaying guests and employees;

"(B) the custom slaughter by any person of poultry delivered by the owner thereof for such slaughter, and the processing by such slaughterer and transportation in commerce of the poultry products exclusively for use, in the household of such owner, by him and members of his household and his nonpaying guests and employees: *Provided*, That such custom slaughterer does not engage in the business of buying or selling any poultry products capable of use as human food;

"(C) the slaughtering and processing of poultry products in any State or Territory or the District of Columbia by any poultry producer on his own premises with respect to sound and healthy poultry raised on his premises and the distribution by any person solely within such jurisdiction of the poultry products derived from such operations, if, in lieu of other labeling requirements, such poultry products are identified with the name and address of such poultry producer, and if they are not otherwise misbranded, and are sound, clean, and fit for human food when so distributed; and

"(D) the slaughtering of sound and healthy poultry or the processing of poultry products of such poultry in any State or territory or the District of Columbia by any poultry producer or other person for distribution by him solely within such jurisdiction directly to household consumers, restaurants, hotels, and boarding houses, for use in their own dining rooms, or in the preparation of meals for sales direct to consumers, if, in lieu of other labeling requirements, such poultry products are identified with the name and address of the processor, and if they are not otherwise misbranded and are sound, clean, and fit for human food when distributed by such processor."

The exemptions provided for in clauses (C) and (D) above shall not apply if the poultry producer or other person engages in the current calendar year in the business of buying or selling any poultry or poultry products other than as specified in such clauses.

"(2) In addition to the specific exemptions provided herein, the Secretary shall, when he determines that the protection of consumers from adulterated or misbranded poultry products will not be impaired by such action, provide by regulation, consistent with subparagraph (3), for the exemption of the operation and products of small enterprises (including poultry producers), not exempted under subparagraph (1), which are engaged in any State or Territory or the District of Columbia in slaughtering and/or cutting up poultry for distribution as carcasses or parts thereof solely for distribution within such jurisdiction, from such provisions of this Act as he deems appropriate, while still protecting the public from adulterated or misbranded products, under such conditions, including sanitary requirements, as he shall prescribe to effectuate the purposes of this Act."

"(3) No exemption under subparagraph (1) (C) or (D) or subparagraph (2) shall apply to any poultry producer or other person who slaughters or processes the products of more than 5,000 turkeys or an equivalent number of poultry of all species in the current calendar year (four birds of other species being deemed the equivalent of one turkey).

"(4) The provisions of this Act shall not apply to poultry producers with respect to poultry of their own raising on their own farms if (i) such producers slaughter not more than 250 turkeys, or not more than an equivalent number of birds of all species during the calendar year for which this exemption is being determined (four birds of other species being deemed the equivalent of one turkey); (ii) such poultry producers do other species being deemed the equivalent of not engage in buying or selling poultry products other than those produced from poultry raised on their own farms; and (iii) none of such poultry moves in commerce (as defined in section 4(a) of this Act).

"(d) The adulteration and misbranding provisions of this Act, other than the requirement of the inspection legend, shall apply to articles which are exempted from inspection under this section, except as otherwise specified under paragraphs (a) and (c)."

"Sec. 15. Section 16 of said Act (21 U.S.C. 465) is hereby amended to read:

"Sec. 16. The Secretary may limit the entry of poultry products and other materials into any official establishment, under such conditions as he may prescribe to assure that allowing the entry of such articles into such inspected establishments will be consistent with the purposes of this Act."

"Sec. 16. Section 18 of said Act (21 U.S.C. 467) is hereby amended to read:

"Sec. 18. (a) The Secretary may (for such period, or indefinitely, as he deems necessary to effectuate the purposes of this Act) refuse to provide, or withdraw, inspection service under this Act with respect to any establishment if he determines, after opportunity for a hearing is accorded to the applicant for, or recipient of, such service, that such applicant or recipient is unfit to engage in any business requiring inspection upon this Act because the applicant or recipient or anyone responsibly connected with the applicant or recipient, has been convicted, in any Federal or State court, within the previous ten years of (1) any felony or more than one misdemeanor under any law based upon the acquiring, handling, or distributing of adulterated, mislabeled, or deceptively packaged food or fraud in connection with transactions in food; or (2) any felony, involving fraud, bribery, extortion, or any other act or circumstance indicating a lack of the integrity needed for the conduct of operations affecting the public health. For the purpose of this paragraph a person shall be deemed to be responsibly connected with the business if he was a partner, officer, director, holder, or owner of 10 per centum or more of its voting stock or employee in a managerial or executive capacity."

"(b) Upon the withdrawal of inspection service from any official establishment for failure to destroy condemned poultry products as required under section 6 of this Act, or other failure of an official establishment to comply with the requirements as to premises, facilities, or equipment, or the operation thereof, as provided in section 7 of this Act, or the refusal of inspection service to any applicant therefor because of failure to comply with any requirements under section 7, the applicant for, or recipient of, the service shall, upon request, be afforded opportunity for a hearing with respect to the merits or validity of such action; but such withdrawal or refusal shall continue in effect unless otherwise ordered by the Secretary."

"(c) The determination and order of the Secretary when made after opportunity for hearing, with respect to withdrawal or refusal of inspection service under this Act shall be final and conclusive unless the affected applicant for, or recipient of, inspection service files application for judicial review within thirty days after the effective date of such order in the United States Court of Appeals as provided in section 8 of this Act. Judicial review of any such order

shall be upon the record upon which the determination and order are based. The provisions of section 204 of the Packers and Stockyards Act of 1921, as amended, shall be applicable to appeals taken under this section.

"SEC. 17. Sections 19 through 22 of said Act (21 U.S.C. 468, 469, 451 note) are hereby redesignated as sections 25, 26, 28, and 29, respectively, and new sections 19, 20, 21, 22, 23, 24, and 27 are added to the Act to read, respectively:

"SEC. 19. Whenever any poultry product, or any product exempted from the definition of a poultry product, or any dead, dying, disabled, or diseased poultry is found by any authorized representative of the Secretary upon any premises where it is held for purposes of, or during or after distribution in, commerce or otherwise subject to this Act, and there is reason to believe that any such article is adulterated or misbranded and is capable of use as human food, or that it has not been inspected, in violation of the provisions of this Act or of any other Federal law or the laws of any State or Territory, or the District of Columbia, or that it has been or is intended to be, distributed in violation of any such provisions, it may be detained by such representative for a period not to exceed twenty days, pending action under section 20 of this Act or notification of any Federal, State, or other governmental authorities having jurisdiction over such article or poultry, and shall not be moved by any person, from the place at which it is located when so detained, until released by such representative. All official marks may be required by such representative to be removed from such article or poultry before it is released unless it appears to the satisfaction of the Secretary that the article or poultry is eligible to retain such marks.

"SEC. 20. (a) Any poultry product, or any dead, dying, disabled, or diseased poultry, that is being transported in commerce or otherwise subject to this Act, or is held for sale in the United States after such transportation, and that (1) is or has been processed, sold, transported, or otherwise distributed or offered or received for distribution in violation of this Act, or (2) is capable of use as human food and is adulterated or misbranded, or (3) in any other way is in violation of this Act, shall be liable to be proceeded against and seized and condemned, at any time, on a libel of information in any United States district court or other proper court as provided in section 21 of this Act within the jurisdiction of which the article or poultry is found. If the article or poultry is condemned it shall, after entry of the decree, be disposed of by destruction or sale as the court may direct and the proceeds, if sold, less the court costs and fees, and storage and other proper expenses, shall be paid into the Treasury of the United States, but the article or poultry shall not be sold contrary to the provisions of this Act, or the laws of the jurisdiction in which it is sold: *Provided*, That upon the execution and delivery of a good and sufficient bond conditioned that the article or poultry shall not be sold or otherwise disposed of contrary to the provisions of this Act, or the laws of the jurisdiction in which disposal is made, the court may direct that such article or poultry be delivered to the owner thereof subject to such supervision by authorized representatives of the Secretary as is necessary to insure compliance with the applicable laws. When a decree of condemnation is entered against the article or poultry and it is released under bond, or destroyed, court costs and fees, and storage and other proper expenses shall be awarded against the person, if any, intervening as claimant of the article or poultry. The proceedings in such libel cases shall conform, as nearly as may be, to the proceedings in admiralty, except that either party may demand trial by jury

of any issue of fact joined in any case, and all such proceedings shall be at the suit of and in the name of the United States.

"(b) The provisions of this section shall in no way derogate from authority for condemnation or seizure conferred by other provisions of this Act, or other laws.

"SEC. 21. The United States district courts, the District Court of Guam, the District Court of the Virgin Islands, the highest court of American Samoa, and the United States courts of the other territories, are vested with jurisdiction specifically to enforce, and to prevent and restrain violations of, this Act, and shall have jurisdiction in all other kinds of cases arising under this Act, except as provided in section 8(d) or 18 of this Act. All proceedings for the enforcement or to restrain violations of this Act shall be by and in the name of the United States. Subpenas for witnesses who are required to attend a court of the United States, in any district, may run into any other district in any such proceeding.

"SEC. 22. For the efficient administration and enforcement of this Act, the provisions (including penalties) of sections 6, 8, 9, and 10 of the Federal Trade Commission Act, as amended (38 Stat. 721-723, as amended; 15 U.S.C. 46, 48, 49, and 50) (except paragraphs (c) through (h) of section 6 and the last paragraph of section 9), and the provisions of subsection 409(l) of the Communications Act of 1934 (48 Stat. 1096, as amended; 47 U.S.C. 409(l)), are made applicable to the jurisdiction, powers, and duties of the Secretary in administering and enforcing the provisions of this Act and to any person with respect to whom such authority is exercised. The Secretary, in person or by such agents as he may designate, may prosecute any inquiry necessary to his duties under this Act in any part of the United States, and the powers conferred by said sections 9 and 10 of the Federal Trade Commission Act as amended on the district courts of the United States may be exercised for the purposes of this Act by any court designated in section 21 of this Act.

"SEC. 23. Requirements within the scope of this Act with respect to premises, facilities and operations of any official establishment, which are in addition to, or different than those made under this Act may not be imposed by any State or Territory or the District of Columbia, except that any such jurisdiction may impose recordkeeping and other requirements within the scope of paragraph (b) of section 11 of this Act, if consistent therewith, with respect to any such establishment. Marking, labeling, packaging, or ingredient requirements (or storage or handling requirements found by the Secretary to unduly interfere with the free flow of poultry products in commerce) in addition to, or different than, those made under this Act may not be imposed by any State or Territory or the District of Columbia with respect to articles prepared at any official establishment in accordance with the requirements under this Act, but any State or Territory or the District of Columbia may, consistent with the requirements under this Act, exercise concurrent jurisdiction with the Secretary over articles required to be inspected under this Act, for the purpose of preventing the distribution for human food purposes of any such articles which are adulterated or misbranded and are outside of such an establishment, or, in the case of imported articles which are not at such an establishment, after their entry into the United States. This Act shall not preclude any State or Territory or the District of Columbia from making requirement or taking other action, consistent with this Act, with respect to any other matters regulated under this Act.

"SEC. 24. (a) Poultry and poultry products shall be exempt from the provisions of the Federal Food, Drug, and Cosmetic Act to

the extent of the application or extension thereto of the provisions of this Act, except that the provisions of this Act shall not derogate from any authority conferred by the Federal Food, Drug, and Cosmetic Act prior to enactment of the Wholesome Poultry Products Act.

"(b) The detainer authority conferred by section 19 of this Act shall apply to any authorized representative of the Secretary of Health, Education, and Welfare for purposes of the enforcement of the Federal Food, Drug, and Cosmetic Act with respect to any poultry carcass, or part or product thereof, that is outside any official establishment, and for such purposes the first reference to the Secretary in section 19 shall be deemed to refer to the Secretary of Health, Education, and Welfare.

"SEC. 27. The Secretary shall annually report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture and Forestry of the Senate with respect to the slaughter of poultry subject to this Act, and the preparation, storage, handling, and distribution of poultry parts, poultry products, and inspection of establishments operated in connection therewith, including the operations under and the effectiveness of this Act.

"SEC. 18. The heading 'Designation' preceding section 5 of said Act is hereby amended to read 'Federal and State cooperation'; the heading 'Labeling' preceding section 8 of said Act is hereby amended to read 'Labeling and containers; standards'; the heading 'Records of interstate shipment' preceding section 11 of said Act is hereby amended to read 'Articles not intended for human food; record and related requirements for processors of poultry products and related industries engaged in commerce; registration requirements for related industries engaged in commerce; regulation of transactions in commerce in dead, dying, disabled, or diseased poultry and carcasses thereof; authority to regulate comparable intrastate activities'; and the heading 'Violations by exempted persons' preceding section 16 of said Act is hereby amended to read 'Entry of materials into official establishments.'

"SEC. 19. If any provisions of this Act or of the amendments made hereby or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and the remaining amendments and of the application of such provision to other persons and circumstances, shall not be affected thereby.

"SEC. 20. This Act shall become effective upon enactment except as provided in paragraphs (a) through (c):

"(a) The provisions of subparagraphs (a) (2) (A) and (a) (3) of section 9 of the Poultry Products Inspection Act, as amended by section 9 of this Act, shall become effective upon the expiration of sixty days after enactment hereof.

"(b) Section 14 of this Act, amending section 15 of the Poultry Products Inspection Act, shall become effective upon the expiration of sixty days after enactment hereof.

"(c) Paragraph 11(d) of the Poultry Products Inspection Act, as added by section 11 of this Act, shall become effective upon the expiration of sixty days after enactment hereof."

And the Senate agree to the same.

GRAHAM PURCELL,
FRANK A. STUBBLEFIELD,
THOMAS S. FOLEY,
CATHERINE MAY,

Managers on the Part of the House.

ALLEN J. ELLENDER,
SPESSARD L. HOLLAND,
HERMAN E. TALMADGE,
JOSEPH M. MONTOYA,
GEORGE D. AIKEN,
MILTON R. YOUNG,
J. CALEB BOGGS,

Managers on the Part of the Senate.

STATEMENT

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 16363) to clarify and otherwise amend the Poultry Products Inspection Act, to provide for cooperation with appropriate State agencies with respect to State poultry products inspection programs, and for other purposes, submit the following statement in explanation of the effect of the Act agreed upon by the conferees and recommended in an accompanying conference report.

The House receded from its disagreement to the Senate amendment of Section 9(a), striking the word "knowingly" in order that the Poultry Act might conform to the corresponding section of the Federal Meat Inspection Act.

The Senate receded from its second amendment prohibiting the change in the official inspection legend for the reason that the Department had no present plans to change the same. It was the intent of the conferees and agreed in conference that the Secretary shall not require any change in the official inspection legend in use under this Act on the date of enactment of the Wholesome Poultry Products Act without reasonable notice to the processors and the opportunity for public hearing. If such change is made, ample time shall be provided for use by the processors of the supplies of labeling material on hand on the date of such change.

The Managers on the part of the House receded to the Senate amendment striking out the requirements that labeling information be arbitrarily placed on both the carcass and the container in the case of nonconsumer packaged carcasses. The conference language as agreed to would give the Secretary the discretion whenever such action was both practicable and necessary to require nonconsumer packaged carcasses leaving the processing plant to bear directly thereon any information the Secretary might consider necessary from paragraph (h) of Section 4 of the Act, but not necessarily all or even a major portion of such information. In practice, it might be possible to require only the name and address of the processor but the conferees intend that such requirement be minimal.

The Managers on the part of the House receded to the Senate amendment which would provide interested parties with an opportunity to present their views orally with respect to proposed rule making under the Wholesome Poultry Products Act.

With the addition of the word "unduly", the conferees agreed to the amendment by the Senate prohibiting a State, territory or the District of Columbia from imposing storage or handling regulations. It was agreed in conference that the Secretary needed such authority to dictate storage or handling requirements or the removal thereof only where those requirements unduly interfered with the flow of poultry products in commerce.

Managers on the part of the House receded to the omission by the Senate of the House language limiting the Secretary of Agriculture's authority to regulate storage and handling under Section 13 of the Act to permit the regulation by States rather than the Federal Government of these steps by local retail stores, restaurants and similar local enterprises. This was considered as being on consonance with the previous change.

The Managers on the Part of the House receded to the inclusion as a part of the declaration of policy a statement to the effect that scientific fact, information or other criteria must support the condemnation of poultry or poultry products because of disease.

The Managers on the part of the Senate receded to the language of the House bill and struck its amendment to the import poultry section of the Poultry Products In-

spection Act. It was agreed that imported poultry constituted a very small segment of the industry and that it presented no problem requiring legislation.

The conferees agreed to a new exemption category by the inclusion in the conference report of a new section, 15(c) (4). This provides for a complete exclusion from the provisions of the Act of all poultry producers with respect to poultry of their own raising on their own farms if such producers do not buy or sell poultry products other than those produced from poultry raised on their farms, and if none of such poultry moves in interstate commerce so long as such producer slaughters not more than 250 turkeys, or not more than an equivalent number of birds of all species during the calendar year the exemption is determined. For the purposes of this Act four birds of other species are deemed equivalent to one turkey. This would enable the producer of this category to slaughter not more than 1,000 chickens and still be exempt from the Act.

Subsection 15(c) (3) was amended in conference to provide that poultry producers or processors of 5,000 turkeys or an equivalent number of other poultry in the current calendar year (four birds of other species being equivalent to one turkey) might, by the regulation of the Secretary of Agriculture, under conditions of sanitary standards practices and procedures that he prescribed, be exempt from specific provisions of the Act. It was agreed that the Secretary shall exercise such authority over this category of producer or processor as may be necessary to assure consumers of wholesome poultry products processed under sanitary conditions. The conferees by this action intended that the exemption granted producers slaughtering their own birds in small numbers, 250 turkeys or 1,000 other birds, be absolutely immune to this Act but that limited authority be extended the Secretary over processors, or producers slaughtering their own birds, in amounts from 250 turkeys, or their equivalent, up to but not more than 5,000 turkeys or the equivalent number of birds of other species.

GRAHAM PURCELL,
FRANK A. STUBBLEFIELD,
THOMAS S. FOLEY,
CATHERINE MAY,

Managers on the Part of the House.

PARLIAMENTARY INQUIRY

Mr. MAYNE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore (Mr. HOLIFIELD). The gentleman will state the parliamentary inquiry.

Mr. MAYNE. Mr. Speaker, I wish to object to the filing of the conference report on the ground that it is not in proper form. I am a conferee and I have not had an opportunity to see the report.

The SPEAKER pro tempore. That is a matter that the gentleman should take up with the gentleman from Texas.

The Chair has no knowledge of the conference report except that it is being filed.

Mr. MAYNE. Mr. Speaker, I wish to have the record made clear that I do object to its filing for the reason that it is not in the proper form.

The SPEAKER pro tempore. The gentleman's statement will appear in the RECORD.

A PROMISING NEW FUTURE FOR THE AMERICAN FARMER

(Mr. FINDLEY asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. FINDLEY. Mr. Speaker, yesterday the House marked an historic turning point that will open a promising new future for the American farmer.

In my view, in establishing a limitation on payments, the House took a position as significant to the future of American agriculture as the rejection in 1962 of mandatory acreage controls for feed grains.

I predict this action will lead to an early termination of production payments. This will be good news for the farmer, because under this authority, the Government has been able to keep market prices low and thus make many farmers dependent on Federal payments.

With the payment-dependency concept so plainly rejected on a record vote of the House, the Congress by necessity will turn to programs which have the objective of high, not low, market prices, with Government interference in cropland management decisions of the individual farmer kept at a minimum.

My recommendation is that the Congress terminate at the earliest possible date the commodity management activities of the Department of Agriculture, especially Government buying, selling, and storage of grain. At the same time, the Congress should fund the presently dormant cropland adjustment program, under which the Government can retire at reasonable cost cropland. Under it, unlike present commodity programs, emphasis can be placed on the retirement from production of entire farms, in order to achieve maximum results in terms of production cutback. Legislation I have introduced, H.R. 8001, would replace existing programs for feed grains and wheat, and provide a means of guaranteed harvest-time credit so the farmer can choose his own time to sell crops.

In the past 3 years I have offered four different payment limitation amendments to farm bills. Beginning May 22 this year I began a series of "Dear Colleague" letters in which I campaigned for the payment-limitation concept. During House action yesterday I offered a \$10,000 limitation amendment, which was rejected by a 72 to 122 nonrecord vote, then supported Representative SILVIO CONTE, Republican, of Massachusetts, in the recommittal motion, which, 230 to 160, established the \$20,000 payment limitation.

ATTORNEY GENERAL SHOULD TAKE ACTION: CARMICHAEL URGES TAKING POWER WITH GUNS

(Mr. GROSS asked and was given permission to address the House for 1 minute and to include a newspaper article.)

Mr. GROSS. Mr. Speaker, I see by the newspapers that the notorious black power fanatic, Stokely Carmichael, is out in public again advocating the overthrow by force of this Government.

If we had an Attorney General worthy of the name, or an administration with the spine to back him up, Carmichael would have been in jail long ago.

According to the Associated Press, this imported revolutionary last week urged a

DIGEST of Congressional Proceedings

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HIGHLIGHTS: See page 7

SENATE

1. DAIRY INDEMNITY. Agreed to the conference report on S. 3638, to extend the authority of the Secretary of Agriculture to make indemnity payments to dairy farmers for milk required to be withheld from commercial markets because it contains residues of chemicals registered and approved for use by the Federal Government. For provisions of the conference report see Digest 136. This bill will now be sent to the President. p. S10045

2. POULTRY INSPECTION. The Senate received and both Houses agreed to the conference report on H. R. 16363, the poultry inspection bill (pp. S10131-2, S10074-5, H8128). For provision of the conference report see Digest 136. This bill will now be sent to the President.

3. FHA LOANS. Concurred in House amendment to S. 1504 (to substitute language of H. R. 18209, a similar bill, passed by the House earlier as reported (pp. H8121-4, S10126). This bill will now be sent to the President.

This bill would amend the Consolidated Farmers Home Administration Act of 1961 to--(1) Include (I) enterprises needed to supplement farm income and (II) conversion of farms to recreation among the purposes for which loans may be made under subtitles A (real estate) and B (operating); (2) Increase the annual development grant authority under section 306 to \$100 million (from \$50 million); (3) Increase the annual grant authority for comprehensive planning of water or sewer systems to \$15 million (from \$5 million); (4) Extend to October 1, 1971, the period within which grants may be made to assist financing water and waste disposal projects before the completion of a comprehensive plan; (5) Remove the \$450 million aggregate annual ceiling on insured loans to permit the making of such loans to eligible borrowers as needed; (6) Increase to \$100 million (from \$50 million) the amount of loans that can be held at one time in the Agricultural Credit Insurance Fund pending sale; (7) Remove the proviso that 75 percent of the funds available for operating loans be restricted to loans of \$15,000 or less while retaining the limit of \$35,000 per loan; (8) Give the Secretary of Agriculture authority to release valueless liens; and (9) Remove the 5-percent maximum rate of interest on operating loans and establish a rate equal to 1 percent more than the current average market yield on outstanding marketable obligations of the United States adjusted to the nearest one-eighth of 1 percent.

4. APPROPRIATIONS. The Senate received and both Houses agreed to the conference report on H. R. 18706, the D. C. appropriation bill (pp. S10102-3, H8115-8). This bill will now be sent to the President. Sen. Byrd inserted a conference summary table of the bill (p. S10103).

Began debate on H. R. 18037, the Labor, HEW, and related agencies appropriation bill. p. S10020

5. AGING. H. J. Res. 1371, to provide that it be the sense of Congress that a White House Conference on Aging be called by the President of the U. S. in 1971, was ordered to lie on the table. pp. S10021-2

6. EMPLOYMENT. Concurred in the House amendment to H. R. 1093, to amend and clarify the reemployment provisions of the Universal Military Training and Service Act. This bill will now be sent to the President. p. S10127

Sen. Monroney defended the Administration's employment policies and stated the alleged deliberate padding of Federal payrolls charge is "both inaccurate and misleading." p. S10102

7. COMMITTEES. Sens. Ellender, McGovern, Talmadge, Yarborough, Clark, Nelson, Hart, Mondale, Javits, Prouty, Boggs and Hatfield were appointed to the

are, in short, trying mightily to stem the tide of disease after we have watched it grow, but we are obviously not working hard enough to head it off before it takes hold.

In recognition of this fact, I have been suggesting for some time that we consider a system of regional multiphasic health screening centers, which would supplement and expand the diagnostic capacity of the Nation's doctors. My "preventicare" proposal would provide grants to medical schools, hospitals, health departments, and other agencies, to establish and operate health protection centers. The Committee on Aging has held hearings on this matter, and has heard literally dozens of witnesses conclude that preventive medicine, on a massive scale, is the only reasonable alternative to our present procedures.

A massive investigation into health protection is a project that I have supported for many years. I am encouraged, therefore, that this proposal for a Commission on Disease Prevention and Health Protection extends the philosophy behind my "preventicare" bill, into a wide-reaching investigation of our national health maintenance structure.

I am in favor of a comprehensive attack on the problem, and an attack that begins today. It seems apparent that unless we evolve some kind of large-scale master plan for health protection and disease prevention, we are bargaining for years and years of stop-gap therapeutic medicine. No matter how excellent the quality of treatment, no matter how competent the technicians of medical repair—we are still going to be acting after the fact.

Clearly, something more is needed. We must step back from the problem and approach it with new insights, new techniques, a new commitment to total understanding and implementation. The proposed Commission on Disease Prevention and Health Protection would provide us with the much-needed overview we must have if we are to come to grips with the threats to the Nation's health.

Mr. President, several statements on preventive medicine have been issued in recent years; many of these focus attention on the problem we are considering with this amendment—the challenge of health needs and available health resources. Two excerpts, in particular, ought to be included in a consideration of the Commission: a statement on "National Attention to Disease Prevention," from the report of the Senate Special Committee on Aging, "Developments in Aging 1967"; and a statement on "Health Needs" from the 1966 report of the National Commission on Technology, Automation, and Economic Progress. I ask unanimous consent that these documents be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

NATIONAL ATTENTION TO DISEASE PREVENTION

Concerned primarily about the need for health screening for early disease detection, the Subcommittee on Health of the Elderly

conducted hearings¹ in 1966 that led to several more general conclusions, including:

1. Chronic disease costs this Nation approximately \$57½ billion a year, and the elderly are its chief victims.

2. Despite this high cost, medical care in this Nation is geared primarily for action in the least productive field of medicine—*treatment* of illness. In terms of social good and reduction of suffering, *preventive* medicine offers much more potential long-range reward.

Since the time of that hearing, the committee and its Subcommittee on Health of the Elderly have received much additional commentary on the need for national action to promote greater awareness of the need for preventive measures. Health screening on a wide scale appears to be an appropriate means to begin such efforts.

A report from the Adult Health Protection and Aging Branch of the U.S. Public Health Service appears on page 213 of this report and gives details on four pilot programs now testing health screening under widely varying circumstances. Details on health maintenance programs are also given.

Such programs, while welcome, are not sufficient to correct what has been described as an "imbalance of attention"² which focuses Federal funds and widespread attention on the obviously ill person, while withholding the funds and concern needed for actions that will prevent such illness. The committee recognizes that illness must be treated, and it calls for high-quality treatment for all in need, but it also makes this finding:

"Greater emphasis and financial support must be provided for programs intended to promote preventive medicine. The committee reaffirms the 1966 finding, submitted by its Subcommittee on Health of the Elderly, that 'there is a great need for additional efforts to prevent chronic disease on a national scale. Federal legislation should be enacted to establish a multiphasic health screening program on a large scale with eventual expansion nationwide.'"

HEALTH NEEDS^{1a}

During the past few years, the Nation has taken important steps toward improvement of the health of the population. Especially important is the legislation enacted in 1965, including the Medicare program; the Heart Disease, Cancer, and Stroke Amendments; the Clean Air Act Amendments; the Solid Waste Disposal Act; the Water Quality Act; the extension of Hill-Burton programs for improving hospital facilities, equipment, and administration; the continuance of Federal support for expansion of medical research projects; provisions for training health manpower; support for local community health protection programs; and the development of health research and information services

¹ "Detection and Prevention of Chronic Disease Utilizing Multiphasic Health Screening Techniques," hearings before the Subcommittee on Health of the Elderly (Senator Maurice B. Neuberger, chairman), U.S. Senate Special Committee on Aging, held in Washington, D.C., September 20, 21, and 22, 1966. Report, "Detection and Prevention of Chronic Disease Utilizing Multiphasic Health Screening Techniques," Subcommittee on Health of the Elderly, December 30, 1966.

² Testimony by Herbert M. Domke, M.D., p. 130, hearings cited p. 39, footnote 2.

^{1a} In relation to this section, see James Dickson, M.D., *The Life Sciences, Technology, and Unmet Human and Community Needs* (†). We are also indebted to George Reader, M.D., New York Hospital-Cornell Medical Center, and Michael E. DeBakey, M.D., Baylor University College of Medicine.

such as provided by the National Library of Medicine.

However, the medical system of the United States faces critical problems. As a nation, we have been devoting a rising percentage of our GNP to medical care, but the population per physician has remained essentially constant (790 to 780 per physician between 1950 and 1961). Medicare and other legislation will increase the demand for hospital services. There are still vast needs of other groups to be met. Many studies have shown that the socially deprived have poorer health than the rest of society; infant and maternal mortality are greater, life expectancy is less than the norm. The poor, the crowded, and ethnic and racial minorities tend to have the most illness. It is difficult to sort out the many reasons: lack of education, lack of opportunity, lack of access to medical care, inadequate housing and food—all these contribute to an environment conducive to disease, as well as to low income. One of our great lags is in maintaining the health of the people of working age as compared with other countries. The mortality rates for males in the working years in the United States is higher than those in Western Europe.

The tasks that lie ahead include not only the implementation of the programs recently passed, but a broader effort to achieve the following goals: (1) Fuller access to diagnostic and patient care facilities by all groups in the population; (2) broader and bolder use of the computer and other new health technologies; (3) increased spread and use of health statistics, information, and indexes; and (4) new program for training health manpower.

ACCESSIBILITY OF DIAGNOSTIC AND HEALTH CARE FACILITIES

If we want to make progress in providing the fundamentals of adequate care in the treatment of disease and disability, these questions cannot be avoided: (1) Are there sufficient physicians, nurses, and other health workers? (2) Is adequate care available to all segments of the population? (3) Is there adequate emphasis on prevention of disease and maintenance of health at all ages? (4) Is there a properly staffed health department? (5) In each community, rural as well as urban, are there adequate numbers of hospital and nursing home beds? (6) Is modern equipment available for diagnosis and treatment? (7) Is there a coordinated effort to move patients through the health care process back to active life smoothly, economically, and efficiently? Regrettably, in most communities these questions must still be answered in the negative.

One major barrier to achieving more adequate health care is that there are not enough physicians and other health care personnel. It is possible, however, to develop technologically sophisticated ways of efficiently screening large numbers of people to detect certain abnormalities. An example is the automated multiphasic screen through which hundreds of patients can pass each hour, at a minimal expenditure of professional time. Patients found to have an abnormality can be referred to a planned program of study and followup where nonprofessional personnel under appropriate supervision can further analyze causes of disability. A voluntary medical diagnostic screening system, when further developed through research, has the potential of improving diagnosis of many illnesses and ensuring better use of medical manpower.

Although computer-aided diagnosis is primarily confined to research efforts at this time, the results give promise of providing a useful operational tool for the physician in the next decade. The computer will not replace the judgment of the physician. In

fact, if we rely on medical technology alone medical care would be depersonalized. Rather the computer will be a valuable aid to the physician in arriving at a diagnosis, much like a consultant who suggests one or more tentative diagnoses. More important, in a program of preventive medicine and increasing medical care, the computer in the 1970's should be able to digest facts about the present medical status of individual patients (the majority of whom are healthy) and separate out those cases warranting the further attention of a doctor.

THE SPREAD OF HEALTH TECHNOLOGY

Substantial advances have been made during recent years in the development of new and advanced equipment for health technology. These include new laboratory and X-ray equipment for use in diagnosis, new operating room equipment to facilitate life-saving surgery, new instruments for improved postoperative care, and electronic computers for use in the day-to-day operation of hospitals.

The use of computer systems promises considerable help both in reducing clerical loads and in aiding diagnoses. Today many hospital nurses spend as much as 40 percent of their time doing clerical work. Location of terminals at each nursing station and at other locations throughout the hospital connected to a central computer would allow for the rapid processing of admittance, pharmacy orders, laboratory tests, and medical records; this would not only reduce the clerical load of administrative personnel, but also of doctors and nurses. So far, these new technologies are available and in use mainly in large medical centers. The rate at which their adoption spreads will probably remain slow unless programs for promoting their widespread use are put into effect.

More could be done with larger information systems. Regional health computer centers could provide medical record storage for perhaps 12 to 20 million people and give hospitals and doctors in an area access to the computer's diagnostic and other capabilities via telephone line connections. Such regional health computer systems could provide regional data processing for automated clinical laboratories, automation of certain aspects of medical diagnosis, storing and rapid recall of individual health records, and collection and evaluation of important medical statistics. They could help provide better care to everyone regardless of geographic location, reduce unit costs, thereby relieving the economic load on the Nation, and provide for a more efficient use of manpower to alleviate the manpower problem that will be intensified by regional medical programs and Medicare.

Therefore, it would be desirable to undertake research and development to test the feasibility and cost of regional health computer systems. Centers could be integrated with individual hospital information systems and with the National Library of Medicine's system of national medical information retrieval and dispersal (MEDLARS).

INDEXES OF PROGRESS

It is important that we improve our health statistics and provide comprehensive indexes of progress. The most accurate measures we know have of progress in community health are infant and maternal mortality rates. Mortality rates for other age groups and causes of death also provide valuable information. Disease surveys may provide baselines, too, from which progress may be measured from year to year. Systematic and regular applications of these various indexes and accumulation of this information within a national institute would probably allow us to evaluate the progress toward health goals and help establish the relationship between improved medical diagnosis and care and better community health.

NEW PROGRAM FOR MANPOWER

The gap between the technological potential and our ability to apply it effectively is

partly due to the lack of a significant improvement in the proportion of physicians to population. We have also not developed the proper manpower training programs for the new technologies. We have continued to hold on to our traditional and basic training programs in the various health and medical fields without analyzing the new technologies available and the real possibility of training new categories of manpower who can perform many of the functions now carried out by highly skilled and scarce professional personnel.

One solution lies in restructuring our training programs in accordance with current scientific and technological developments. The only solution, in the long run, is an increase in the number of trained medical personnel, physicians, nurses, and medical technicians in all categories. For this we need an extensive planned program of government support for the creation of more schools, expansion of enrollments, new methods of instruction, redefinition of how modern knowledge and technology can be most effectively applied, and, as seems likely, training of new categories of health personnel to supplement and complement those already in existence.

AMENDMENT TO H.R. 18037

Insert at end of title II:

"SEC. —. Appropriations in this title available for any of the health functions of the Department of Health, Education, and Welfare shall be available for the expenses of a fifteen-member President's Commission on Preventive Medicine the findings and recommendations of which are to be reported to the President by August 1, 1969, and the members of which are to be compensated while on business of the Commission, including travel time, at rates not in excess of the rate specified at the time the service is performed for grade GS-18 in 5 U.S.C. § 5332."

RETIREEES NEED HIGHER INCOME

Mr. WILLIAMS of New Jersey. Mr. President, the Senate Special Committee on Aging—in its annual report issued earlier this year—described inadequate income as the number one problem facing most older Americans. The report gave several recommendations for immediate and long-range action on income and other matters.

Within recent days, Associated Press Columnist Martin Segal has written a valuable summary of several of the major points made in that report. As Chairman of the Committee on Aging, I welcome his appraisal of the problems described in that report.

His words will be of interest to everyone concerned about the elderly of our Nation. I ask unanimous consent that his column, which was published in newspapers throughout the Nation on July 29, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SECURITY FOR YOU—RETIREEES NEED HIGHER INCOME

(By Martin E. Segal, retirement consultant)

Most older Americans already have the problem of inadequate income. And the situation may get worse unless a comprehensive plan of federal action is undertaken.

That warning comes from the 20-member U.S. Senate Committee on Aging. The committee is calling for the setting up of an institute on retirement income. This would be the first step in finding out exactly where older Americans stand financially and what can be done about their economic problems.

The committee cited a study showing that, by 1980, half the elderly couples in the United

States, and more than four-fifths of individual retirees will be receiving less than \$3,000 a year in pension and Social Security income.

So, with one-fifth the population of the United States nearing or past the traditional retirement age of 65, the committee concluded:

"The time has come for a systematic re-examination of many public policies and programs that relate in one way or another to the well-being of older Americans, present and future."

Not only are present levels of retirement income low, but retirees are living longer now, which gives steadily increasing costs of living more time to erode benefits.

Even with a conservative 2 per cent increase in living costs per year, the value of fixed retirement incomes dropped by more than 20 per cent in 10 years.

And even if retirement income should keep level with rising living costs, it would not keep up with improvements in the standard of living, which has been rising steadily as wages and salaries increase.

The Senate Aging Committee lists nine federal units with jurisdiction over programs related to retirement income. But, says the committee, the federal government has no effective mechanism for really dealing with the whole problem.

To make up for this lack, the committee has recommended the establishment of an Institute on Retirement Income. This agency would be patterned on the one set up by President Johnson in 1967 to deal with urban problems.

The committee's recommendation was based largely on evidence that the government's concern about future retirement income problems extends far beyond those dependent on public funds. These problems will strongly affect people we now think of as fairly well off. Expert witnesses before the committee saw major difficulties in balancing most retirement incomes against future living costs.

MONEY ISSUE BYPASSED

The idea of a think tank devoted to the economic problems of aging isn't as way out as it sounds. There are already many think tanks working on problems of war and defense. The Rand Corporation and the Institute for Defense Analysis are the best known, but are not the only ones. Why not, says the committee, put the same high priority on the economics of retirement? Why not funnel some of our money, and more of our great talents, into resolving these problems?

During the Sixties, the nation made many breakthroughs. Medicare was passed and implemented. It is now a taken-for-granted part of life for the over-65 population. Then there were new advances in housing, financing of nursing homes, senior centers, other facilities. These and other historic firsts took attention from the money issues that we now find are basic.

Morover, elderly Americans, generally thought of as a problem group, are rich in talent, energy and wisdom. It is time they were freed and developed for public good and private satisfaction. A think tank could work on that, too.

The population 65-years-old and over will go over the 20 million mark in 1970, over 25 million in 1985. They are not going to be satisfied with a hand-to-mouth existence. They will want to share in the great economic advances that are taking place and will take place—and they are entitled to share in it.

The problem is how to apportion the nation's economic product so that the older members of the population get a fair share.

POULTRY INSPECTION

Mr. MONDALE. Mr. President, I wish to congratulate the House and Senate conferees on the poultry inspection bill approved by the committee yesterday.

This measure represents a significant breakthrough in the consumer protection for all this Nation's citizens. The compromise worked out seems to me adequate and fair. I would have preferred stronger exemption provisions. However, much that is in the bill, including exemptions, is experimental. It will be important to have careful evaluation of all of the provisions before we render further legislative judgments.

I urge my colleagues in both Houses to confirm this measure quickly in order that it may be sent to the President for signature.

Added to the meat act, this bill takes us halfway to the goal of complete consumer protection in protein products. Even as we pass the poultry measure, let us resolve to work next session toward strong fish and egg inspection programs as well.

SAIGON REGIME JAILS PEACE ADVOCATE

Mr. McGOVERN. Mr. President, I was deeply shocked, as were many other Americans, by the jailing of a prominent candidate for President in the recent South Vietnamese elections. Truong Dinh Dzu has been sentenced to 5 years at hard labor for the commonsense recommendation that a coalition government be established in Saigon as a step toward peace.

It seems incredible to me that American young men are dying to preserve a dictatorial military clique in Saigon that imprisons a respected public leader for recommending the same steps that many thoughtful Americans, including some of our presidential candidates, have recommended.

This and other points were well made in a letter by Mr. William J. Vanden Heuvel, which was published in the New York Times of yesterday. I do not see how the brilliant logic of Mr. vanden Heuvel's letter can be answered.

I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JAILING SHOWS MORAL BANKRUPTCY
NEW YORK, N.Y.
July 29, 1968.

To the Editor:

Occasionally an event occurs which illuminates the moral bankruptcy of our position in Vietnam so that even those who want to believe the good intentions of the Administration must speak out in anguish. Such an event is the arrest by the Saigon government and conviction by a military court of Truong Dinh Dzu, now sentenced to five years at hard labor for the crime of advocating a coalition government as a step toward peace. [Editorial, July 27]

The Johnson Administration insisted that the elections last year in South Vietnam were a landmark in the evolution of democracy. Mr. Dzu was a candidate in that election. Much to the surprise of the military junta, he ran a strong second. He campaigned for peace, arguing that the Vietnamese must negotiate directly among themselves, North and South, to end the horrible war that was mutilating his people.

Since the day of that election, Dzu has been subjected to continual harassment—house arrest, frequent interrogation, threats to his family. Now sentenced to hard labor,

he languishes in Vietnam's "Devil's Island" for the crime of proposing a program for peace while General Thieu goes to Honolulu to exact from an American President further commitments of support.

THE NATION'S CONSCIENCE

The conscience of our country and the credibility of the Johnson Administration are heavily burdened by the imprisonment of Mr. Dzu. Americans are capable of great sacrifice, incredible heroism, incomparable courage—but there is now a growing certainty that we are killing our young heroes and destroying another people's land in a war that has lost its purpose and its possibilities.

Our Embassy is quoted as saying "this is purely an internal matter—if the British arrest somebody, we don't comment on that, do we?" Those words are a petition of bankruptcy. The American Embassy in Hungary when Cardinal Mindszenty was threatened gave asylum to that brave man. Now our diplomats fawn upon tawdry tyrants who are corrupt beyond salvation.

The horror of what we have done is symbolized by the conviction of Mr. Dzu, who believed in America's principles apparently more, than those who pretend to speak for them. The outrage of this event is unacceptable. If the United States can accept the imprisonment of Mr. Dzu for advocating what our own major Presidential aspirants favor, how can we negotiate a settlement with honor in Paris?

WILLIAM J. VANDEN HEUVEL.

CESSATION IN BOMBING OF NORTH VIETNAM

Mr. HATFIELD. Mr. President, for several days I have despaired at the administration's new hard line regarding the cessation of the bombing of North Vietnam and breaking the deadlocked negotiations in Paris. Today's New York Times lead editorial took the administration sharply to task for having "stiffened its conditions."

Mr. President, I ask unanimous consent to have the editorial printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ONCE UPON A TIME

"Once upon a time," Secretary of State Rusk told a press conference the other day, "the President said that if North Vietnam would do almost anything—"

The Secretary abruptly broke off his review of conditions the Johnson Administration has laid down in the past for halting the bombing of North Vietnam and moving to substantive talks on a political settlement of the Vietnam conflict. It is a review worth completing today in view of the continuing refusal of the Administration to stop the bombing and especially in light of the new, tougher conditions indicated by President Johnson and Secretary Rusk in the past few days.

Once upon a time in San Antonio—last September 29, to be exact—President Johnson said: "The United States is willing to stop aerial bombardment of North Vietnam when this will lead promptly to productive discussions. We would assume that while discussions proceed, North Vietnam would not take advantage of this cessation or limitation."

On January 26, Secretary of Defense Clark M. Clifford amplified the President's San Antonio formula, saying: "I do not expect them to stop their military activities. . . . Their military activity will continue in South Vietnam, I assume, until there is a cease-fire agreed upon."

In his March 31 speech announcing a par-

tial cessation of the bombing, President Johnson said: "Even this very limited bombing of the North could come to an early end—if our restraint is matched by restraint in Hanoi."

During the past six weeks there has been a dramatic drop in enemy activity in South Vietnam. As many as half of the North Vietnamese main-force units in the South are reported to have pulled back across the borders. Infiltration, which rose substantially in April and May, is reported to have dropped in June. Administration officials now say infiltration has risen again in July, but some sources contradict this assertion. At any rate, Pentagon figures showed no increase in total enemy strength in the South, even during the period of heaviest infiltration.

To support his contention that, so far from reducing strength, the enemy is building up to a massive new offensive, the President said Wednesday that infiltration last month hit a new high of 30,000. But on Tuesday, official American sources in Saigon had put the figure at 20,000. Some intelligence sources last week were quoted as estimating that infiltration had dropped to as low a rate as 2,000 a month. The figures have always been notoriously speculative and subject to wide interpretation.

Again, the Saigon command reported yesterday that North Vietnam had boosted its forces in the South from 51,000 last January 1 to 90,000 now. Saigon neglected to point out that 90,000 is the same figure for North Vietnamese strength in the South that the Pentagon was using last March 31 when the President announced his restriction on bombing. Since that time, the total of American forces in Vietnam has jumped from 516,000 to 540,000 and South Vietnam has launched an expansion program designed to increase its armed forces by 135,000 men by the end of this year.

Surely there are grounds for concluding that Hanoi has met the requirements of the San Antonio formula and Mr. Johnson's condition of last March 31. But the United States seems to have stiffened its conditions this week in mid-negotiations.

An American negotiator in Paris told Hanoi's representatives last June that Washington would be satisfied to see some battlefield response "in the direction of de-escalation." He added: "This could be done de facto, it could be done by some indication, either directly or indirectly. . . ." But Secretary of State Rusk, who in the past often has called for deeds rather than words, now insists on a "responsible, authoritative" statement from Hanoi concerning Hanoi's response, not just for today, but for "tomorrow, next week, next month."

What Mr. Rusk is asking for, in effect, is a unilateral commitment by Hanoi to deescalate the war on its side without a comparable commitment from the United States and in the face of a continuing allied buildup and continuing aggressive action by allied troops throughout the South. This is an impossible demand that can only lead to the new enemy activity the President has predicted.

It is no doubt true that to stop the bombing entails risks. But the United States is strong enough to take such risks in the interest of peace. They are certainly preferable to the larger risks of another escalation of the war.

Mr. HATFIELD. Mr. President, the editorial documents well its indictment of the President's new stance on a halt to the bombing. I want to add just a few brief comments.

Lyndon Johnson said in San Antonio on September 29, 1967, that he would "assume" that Hanoi would not take advantage of a bombing cessation. Clark Clifford on January 25, 1968, also said we would "assume" that they would not take advantage of a bombing cessation.

But on July 30, 1968, Dean Rusk asked for a virtual guarantee, in advance, of some reciprocal deescalation.

The Times editorial pointed out that the figures concerning infiltration rates are "notoriously speculative." I attempted to reduce the confusion of contradictory figures and on July 30 I had an assistant call the Pentagon. We asked what the infiltration rate was during June and July and what was anticipated for August. They told us the infiltration rate for June, July, and August was 20,000. But on July 31—the next day—President Johnson said the infiltration rate during July had been 30,000. We called the Pentagon back and asked which figures were correct. They said, in effect, that if the President said 30,000, he must be right. President Johnson evidently believes he can establish fact by proclamation. In another statement on July 31, Mr. Johnson said that the bombing of North Vietnam had been limited so as to affect only 10 percent of the population of the north. The President had used the same statistic in his March 31 address. According to the State Department and world census figures, however, nearly 20 percent, not 10 percent, of the North Vietnamese population lives in the area we have been bombing. I personally pointed out this fact to one of the President's White House aides—emphasizing that it is an error involving well over 1 million people—but Mr. Johnson continues to use this inaccurate figure with no explanation whatever.

Numerous reporters have pointed out that the 20,000-a-month infiltration rate for June, July, and August would merely represent replacements for those North Vietnamese regulars killed and would not necessarily indicate an escalation. Also, for the last month, Saigon has been spared enemy rocket attacks. There is, according to a New York Times article, a general lull in combat throughout Vietnam and Hanoi has made vague "but tempting" hints in Paris that there is a significance to this lull.

It appears to me that if the administration were sincerely pursuing all opportunities for peace, they would explore these possible signs instead of hardening their terms and harshly discounting what might be a genuine gesture by Hanoi.

After 4 years of watching the Johnson administration bungle attempts to establish negotiations, many people have developed a deep cynicism concerning the sincerity of its peace efforts. The administration's current hardening of its terms will only feed that doubt. Or could it be that Chalmers Roberts, the very respected reporter for the Washington Post, is right in his July 22 article:

The time element involved—

Says Mr. Roberts—

could be crucial . . . Perhaps by early October, which would be a month before the presidential election, Mr. Johnson will find conditions ripe for ordering a total end to the bombing.

Could President Johnson be playing politics with the issue of peace and the lives of American men?

THE ARAB-ISRAEL CONFLICT

Mr. PELL. Mr. President, the Arab-Israel conflict is a source of continuing concern to all of us who are interested in a secure and just peace in the Middle East. I believe, as I have stated before, that the continuing tensions in the Middle East must be resolved by good faith, face-to-face negotiations between the principals.

In this regard, I invite the attention of Senators to a most interesting and constructive Statement of Conscience issued recently by Msgr. John M. Oesterreicher and Rev. Edward H. Flannery, of the Institute of Judaean-Christian Studies at Seton Hall University. I ask unanimous consent that excerpts from the statement be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD as follows:

A STATEMENT OF CONSCIENCE BY MSGR. JOHN M. OESTERREICHER AND REV. EDWARD H. FLANNERY

Once again, the Arab-Israeli conflict is being discussed by the Security Council. Once again, there are charges and countercharges, invectives and threats. Once again, the Council seems to be unable to end the crisis. It is this unrelieved tension in the Middle East that compels us to take a public stand and plead with our fellow-Christians to make their voices heard, too. With this in mind, we make the following affirmations:

(1) No matter how often the Arab delegates have, with massive assistance from the Russian ambassador—whose country is largely responsible for the conflagration of last June—accused Israel, she is not the aggressor. Her strike at the Egyptian airforce in the early morning hours of June 5 was clearly an act of defense. For years, terrorists had entered her territory; hostile guns had shelled her settlements in the North. Before Israel made her move, Arab leaders had threatened to wipe her off the map; state controlled radios and street gatherings in Arab lands had clamored for a holy war; President Nasser had demanded that the United Nations Emergency Force, stationed in the Gaza Strip, be withdrawn from the Egyptian-Israeli border; hostile troops had been amassed at her borders; the nearby waterways had been closed to her merchant ships, all traffic vital to her economic life and thus to her very existence had been cut off. Her assault on Egypt's aircraft was, therefore, the action of a country that refused to be strangled to death.

(2) Israel came into being with the active support of the world community. We can think of no better title to her sovereignty than the sponsorship of a majority of nations at the time of her birth. Yet, her claim does not rest with international law alone; it is also based on the work of her hands. A former generation drained malaria-infested marshes, the former and the present ones have turned barren land into gardens. Not only has Israel made the desert bloom, she has created the economic, social, and cultural conditions for a just, a truly human society.

Israelis now have lived in the land of their forefathers—from which, incidentally, Jews were never fully absent—for almost twenty years. They have taken root there, children were born, men and women died, couples married, and soldiers fought. It seems to us that as a living person has a right to go on living—a right that no neighbor or society can deny him—so a commonwealth as alive as Israel has a right to peaceful existence. We thus affirm Israel's right to stay securely on the soil which her farmers, workers,

thinkers, and teachers have reclaimed by the sweat of their brows. As Christians, we must go even further: The people of Israel not only have a right to live—they have a vocation to live for the Lord.

(3) There is still another matter: [Israel's] resolve not to relinquish the occupation ahead of face-to-face negotiations. The occupied territories are the only palpable argument by which she can hope to persuade the Arab States that they should come to the peace table. They are an assurance against the resumption of hostilities in the near future. They are a constant reminder that the former state of belligerency—which the Arab leaders considered, for 18 long years, the normal relationship between their states and Israel—must give way to one of peace, of friendly coexistence and fruitful cooperation. Now is the time for the U.N. to do its utmost that "swords shall be beaten into plowshares" (Is 2, 4; Mich 4, 3). The world community must try everything possible to induce the Arab governments and Israel, the foes of yesterday, to sit down as partners to a peace conversation so that they may be friends tomorrow.

(4) Linked to the problem of occupied territories is that of the city of Jerusalem, at least in the mind of outsiders. To the Israelis there is no problem: They are determined never to go back to a Jerusalem cut in two. The united city, a demand of history as much as of Jewish consciousness, is simply not a negotiable item for them. Moreover, when the Jordanians held the Old City, they closed the border so that no Israeli Jew or Arab could visit any of his holy places; they destroyed 35 out of 36 synagogues; they used tombstones from the ancient Jewish cemetery on the Mount of Olives to pave the footpaths and—latrines of the Arab legion camp in Bethany. To cede the Old City to Jordan would be for Israelis to participate in those acts of impiety.

We are certain that Israel would be a faithful guardian of all holy places. But Israel in no way insists on such a guardianship. In fact, she is willing, even eager, to turn the various sanctuaries over to accredited representatives of the respective religious communities and grant them extraterritorial rights. To our minds, her offer is clear evidence of her good will and desire to live in harmony with Muslims and all Christian Churches. Soon after the reunification of Jerusalem the Israeli Parliament passed a bill that promised protection of all sanctuaries from desecration and guaranteed unhindered access to them.

(5) Another critical question, perhaps the most critical one, is that of the Palestinian refugees. In discussing it, one ought to keep these points in mind: First, it is a gross misrepresentation to say that, at the time of the first armed Israeli-Arab confrontation in 1948, Jews drove their Arab neighbors out. Second, the shutting up of these refugees in camps is not a page of glory in Arab history—Germans, for instance, integrated their brethren whom Poland and Czechoslovakia had expelled from their native soil into the economic, social, and cultural life of West Germany. Finally, Israel absorbed, in a kind of exchange, hundreds of thousands of Jewish refugees from Arab countries. Still, for the sake of justice and peace Israel should again offer financial compensation to those who lost their houses and fields, also assistance in uniting families that had been forced apart. In addition, an international resettlement fund could be set up. Yet, the tragic lot of these refugees will in all probability not be ended prior to a peace treaty; their suffering will cease only as a result of, or concomitant to, a covenant between the present adversaries.

Though the final settlement of this intensely human problem will have to await the set-

Our position on the Biafran secession, like our position on Katanga in the Congo crisis of 1961-62, seems to spring from a blind and categorical opposition to any secession by any minority or grouping in one of the newly emerging nations of Africa. We tend to regard the arbitrary frontiers of colonialism as sacrosanct.

I do not understand the reason for this.

Perhaps it is because we tend to apply the lessons of our own history without discrimination to situations that are different in a hundred ways.

The American Civil War was fought to keep united a nation that, by and large, had common ethnic origins, shared a common culture, and had already been in existence as a political entity for almost a century.

The unity of Nigeria at the point where it achieved nationhood, on the other hand, was an essentially artificial geographic unity foisted on the Nigerian peoples by British colonialism.

The eastern Ibos, who have now set up their own state of Biafra, have virtually nothing in common with the northern Hausas. The Ibos are Christians. The Hausas are Moslems. They are different ethnically, they speak different languages and, overall, their cultures are far removed from each other.

When some 40,000 Ibos were massacred by the Hausa majority in northern Nigeria in September of 1966, and when the remaining Ibos were driven from the north as refugees, the fragile artificial unity that had been put together by the British came apart. On May 30, 1967, Biafra declared its independence.

So much blood has already been spilt between Hausas and Ibos that it is highly questionable whether a unified Nigeria can be put together again.

This has recently been recognized by France, and it has also been recognized by some of the leading statesmen in Africa.

For example, Felix Houphouët-Boigny, the esteemed President of the Ivory Coast, said in a recent statement:

I want . . . to cry out my indignation in the face of the inexplicable indifference—culpable indifference—of the whole world with respect to the massacres of which Biafra has been the theatre for more than ten months. I rejoin my country, pained, indignant, deeply upset and revolted by the prolongation of this atrocious war which rages in Biafra and which has already cost more than 200,000 human lives, not to count the immeasurable cost in destruction of all kinds, in a country definitely rich but still under-developed.

Unity will be the fruit of the common will to live together; it should not be imposed by force by one group upon another.

Insofar as we Africans form a part of the world, we could not but be astonished at how little we are valued; at the indifference with which people treat everything that concerns us.

We must realize this ineluctable fact: even if, as a result of this military superiority in men and material, Nigeria succeeds in occupying the whole of Biafra, the problem of the secession will not be solved. There will, therefore, be no real peace in Nigeria as long as Biafra fights for its independence.

Kenneth Kaunda, the President of Zambia, spoke with equal eloquence in his statement of May 20, 1968, recognizing Biafra. This is what he said:

The tragedy which has befallen the Federation of Nigeria is a most unwelcome event in this phase of Africa's development. The current war and the atrocious excesses committed in waging the war, the loss of human life and property, have shaken this continent and there are no prospects yet that Biafra can yield to what has almost become a war of attrition.

This Government is convinced that the heritage of bitterness stemming from this horrifying war will make it impossible to create any basis for political unity of Biafra and Nigeria. The Zambian Government therefore has decided to recognize the Republic of Biafra as a sovereign and independent state.

We hope that the establishment of this Republic will now allow Nigeria and the people of Biafra to work out a better framework for co-operation in order to ensure a better platform for more realistic unity among themselves in order to live in peace and to foster African unity in the spirit of brotherhood and mutual co-operation for the benefit of all the peoples of that region."

Mr. President, if there is to be a durable peace, there will have to be a cease-fire. If, on the other hand, the Nigerians insist on pushing their offensive until they have completely obliterated the Biafran resistance, this will rule out the possibility of a durable peace between Ibos and Hausas for a century to come.

But whatever our Government may decide to do politically, it is my earnest hope that it will move with the utmost expedition and without equivocation of any kind to mount the international emergency airlift which alone can save millions of Biafrans from an agonizing death.

WHOLESOME POULTRY PRODUCTS INSPECTION ACT—CONFERENCE REPORT

Mr. ELLENDER. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 16363) to clarify and otherwise amend the Poultry Products Inspection Act, to provide for co-operation with appropriate State agencies with respect to State poultry products inspection programs, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceeding of August 1, 1968, pp. H8066-H8071, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. ELLENDER. Mr. President, the Senate amendment to H.R. 16363 was a complete substitute for the House text, but it differed from the House text in only eight respects, as follows:

First, the Senate amendment omitted the word "knowingly" from section 9(a) of the Poultry Products Inspection Act as requiring too high a proof of violations of the act. This change conformed it to the corresponding provision of the Meat Inspection Act approved last year.

The House conferees agreed to this change.

Second, the Senate amendment provided interested parties with an opportunity to present their views orally with respect to proposed rulemaking under the Poultry Products Inspection Act. The House conferees agreed to this provision.

Third, the Senate amendment expressed the intent of Congress that condemnation of poultry for disease be supported by scientific fact and be achieved through uniform inspection. The House conferees concurred in this provision.

Fourth, the Senate amendment prohibited the Secretary from requiring any change in the official inspection legend. The House conferees felt that this provision was too restrictive and that while no change in the inspection legend is now contemplated, the Secretary should be left free to change it if, after hearing the views of all interested parties, he determines that such a change is necessary. The conferees felt that such a hearing should be held before any change should be made. This prohibition is omitted from the conference substitute.

Fifth, the Senate amendment struck out a requirement of the House bill that labeling information be placed on both the carcass and the container in the case of nonconsumer packaged carcasses. The House conferees felt that the decision as to whether the labeling of carcasses, in addition to containers, was necessary for the protection of the public and was practicable should be left to the Secretary. The conference substitute makes it clear that such carcass labeling is to be required only when the Secretary makes such determination.

Sixth, the Senate amendment prohibited States from imposing storage or handling regulations which might act as trade barriers to interfere with the free flow of poultry products in interstate commerce. The conferees made it clear that this provision is intended to apply only to barriers which "unduly" interfere with such commerce. This was the intention of the Senate. The Senate amendment in conjunction with this provision extended the Secretary's authority to regulate storage and handling to retail stores and other establishments which make purchases in commerce, and the conference substitute accords with the Senate amendment in this respect.

Seventh, the Senate amendment differed in a number of respects from the House provisions with respect to exemptions for small producers and processors. The conference substitute is generally in accord with the Senate amendment. It provides for an exemption, subject to sanitary and similar requirements, for producers and processors slaughtering not more than 5,000 turkeys annually, or an equivalent number of other poultry—counting four birds of other species for each turkey.

The conference substitute provides, in addition, for an exemption from all provisions of the act for producers slaughtering not more than 250 turkeys annually, or an equivalent number of other birds on the basis of four other birds per turkey.

Eighth, the Senate amendment amended the provision of the Poultry

Products Inspection Act dealing with imports to conform it to the corresponding provisions adopted last year in the Federal Meat Inspection Act. Under existing law, imports may be admitted only if the Department determines that the system of poultry inspection in the exporting country is the substantial equivalent of the U.S. system, and if other requirements are met. The Senate amendment did not differ greatly from this by imposing the same requirements for imports as domestic products. There is little substantive difference, but the House felt that the Senate provision might be regarded by other countries as imposing additional requirements that might serve as a basis for retaliatory action. Furthermore, the United States is a poultry exporter to a much greater extent than it is a poultry importer. Consequently the conference substitute omits this provision of the Senate amendment.

Mr. President, I move the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

HOUSE CONCURRENT RESOLUTION 805—AUGUST ADJOURNMENT

Mr. MANSFIELD. Mr. President, I suggest that House Concurrent Resolution 805, the adjournment resolution, now be sent to the House of Representatives, because there may or may not be only one more item for the Senate to consider.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE PRESIDENT— APPROVAL OF BILLS AND JOINT RESOLUTIONS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries, and he announced that the President had approved and signed the following acts and joint resolutions:

On July 27, 1968:

S. 3102. An act to extend until November 1, 1970, the period for compliance with certain safety standards in the case of passenger vessels operating on the inland rivers and waterways.

On July 29, 1968:

S. 510. An act providing for full disclosure of corporate equity ownership of securities under the Securities Exchange Act of 1934;

S. 1299. An act to amend the Securities Exchange Act of 1934 to permit regulation of the amount of credit that may be extended and maintained with respect to securities that are not registered on a national securities exchange;

S. 2986. An act to extend the Agricultural Trade Development and Assistance Act of 1954, as amended, and for other purposes; and

S.J. Res. 160. Joint resolution to amend the Securities Exchange Act of 1934 to authorize an investigation of the effect on the securities markets of the operation of institutional investors.

On July 30, 1968:

S. 1941. An act to prevent, abate, and control air pollution in the District of Columbia, and for other purposes;

S. 3456. An act to provide that the prosecu-

tion of the offenses of disorderly conduct and lewd, indecent, or obscene acts shall be conducted in the name of and for the benefit of the District of Columbia;

S. 3495. An act to authorize the Secretary of the Army to modify certain use restrictions on a tract of land in the State of Iowa in order that such land may be used as a site for the construction of buildings or other improvements for the Iowa Law Enforcement Academy; and

S.J. Res. 181. Joint resolution to authorize the President to designate the week of August 4 through August 10, 1968, as "Professional Photography Week."

On August 1, 1968:

S. 3497. An act to assist in the provision of housing for low and moderate income families, and to extend and amend laws relating to housing and urban development.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees. (For nominations this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 2468. An act for the relief of Dr. George S. Ioannides; and

S. 2488. An act for the relief of Dr. Raul Agustin Pereira-Valdes.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (S. 3710) authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes.

EARTHQUAKES IN THE PHILIPPINES AND MEXICO

Mr. MANSFIELD. Mr. President, earlier today I discussed the earthquake which had occurred in the Philippines, centering on the capital of that Republic, Manila. Since that time, I have noted that an earthquake also occurred in Mexico City. While the destruction apparently is not as severe as that which has been reported from the Philippines, the damage is nevertheless extensive, with some deaths and many injuries.

I extend on behalf of the Senate the understanding and the sympathy of the Senate to the Mexican people in their hour of difficulty and express to the administration of that great Republic under the Presidency of Gustavo Diaz Ordaz our feelings of regret and sorrow that such an event has occurred.

We stand ready to be of whatever assistance we can to the people of Mexico in this time of distress and express the hope that the affliction will be mitigated, the losses limited, and the recovery rapid.

CENTRAL ARIZONA PROJECT

Mr. KUCHEL. Mr. President, yesterday at long last an age-old water controversy was set at rest. A bitter dispute over the waters of the Colorado River in the Southwestern part of the United States was concluded.

During the last half century, while it raged, it saw occasional outbursts of gunfire across State lines, long periods of vituperation between public officials of some of the States, and somewhat rare moments of reason and lucidity during which public servants in that area of the country sought to find a way out of the morass.

Yesterday the Senate and House conferees agreed, one short of unanimously, to approve a compromise proposal which surely represents forward progress. The conference report will come to the Senate and to the other body when Congress reconvenes on September 4.

As a Senator from California and as a Senator of the United States, I am proud to have been a member of the conference and to have played a role in fashioning the conference agreement. The enormous problem of sharing the waters in this stream has confronted Arizona and California and Nevada and the four States in the Upper Colorado River Basin in every Congress in which I have served, and in many of those preceding my service.

In my view the interests of my State, as well as of our Nation, have been well served by the agreement which was reached yesterday. The conference report brings to a realistic and fair conclusion many of the disputes which have harried the States of the river basin since 1922, the year in which those representatives of those States signed an agreement called the Colorado River Compact.

Our proposal authorizes the central Arizona project, so vital to the State of Arizona, to keep vast areas of that State from returning to the desert.

It involves a \$832 million reclamation undertaking providing for the construction of a system of aqueducts, dams, canals, and pumping stations which, when constructed, will transport water of the Colorado River to the areas of Phoenix and Tucson. But our conference report does far more than that.

The conference report recognizes that the fortunes of our fellow Americans who live in the Pacific Southwest are interdependent now, and will be independent, on the morrow and that we must face and solve the inevitable water shortages of that entire region before they arise in the years ahead. It stands for the proposition that together all of us who call the Pacific Southwest our home shall travel together in good comradeship, recognizing that every basin State faces essentially, if in varying degrees, the same specter of water shortage later on in this century.

Our proposal contains provisions which are most crucial to the State. I have the honor to represent, the State of California. In 1928, Congress enacted the Boulder Canyon Project Act. It stands as a milestone in the superb career of one of my great predecessors,

year but before the end of his fifth year. If you do not want to keep him, let him go." In substance, that is what the amendment would do.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Iowa.

Mr. GROSS. That is the purpose of the bill and the sole purpose of the bill?

Mr. HAYS. No, I was talking first, if I may say to the gentleman from Iowa, about the amendment which the Clerk was reporting when I asked unanimous consent to dispense with further reading of the amendment.

Mr. Speaker, I apologize to the House. This is a matter that is rather technical and it may be a little dry, but what I am trying to say to the gentleman from Iowa and the Members of the House is that many of the overseas personnel in the U.S. Information Agency are reserve officers. This bill is intended to give them tenure, such as people in the State Department have who are Foreign Service officers. These people will be called Foreign Service information officers, and they will have exactly the same rights and prerogatives as if they were Foreign Service officers, except they will be in this agency. They will come under the Foreign Service retirement system of the Joint Service retirement system and they will be subject to selection out, but it will give them carrier status, which up to now they simply have not had.

In 1965 these provisions were included as the gentleman may remember, in a bill which covered the Department of State, USIA and the Agency for International Development. That bill passed this body, but it was not taken up by the Senate. This bill has passed the Senate unanimously. While I am not very happy with a piecemeal approach in dealing with our Foreign Service personnel problems, I believe—and the subcommittee and the full committee believe—that the U.S. Information Agency is here to stay. Hence these people ought to have tenure the same as other Government employees.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, are these employees now Classification Act employees?

Mr. HAYS. No, sir, they are not. They are Foreign Service reserve officers. They are appointed by USIA as reserves under the authority of the Foreign Service Act.

As I said earlier in talking about the amendment, they are appointed for 5 years, and with a possible extension for another 5 years. After that they are on a year-to-year basis dependent upon a rider in the annual appropriation act.

Mr. GROSS. Mr. Speaker, I must explain that I serve on the Foreign Affairs Committee with the gentleman from Ohio, but unfortunately, I was in the Post Office and Civil Service Committee at the time this bill came up. Therefore, I must ask these questions, because I am unacquainted with the reasons for the legislation.

Mr. HAYS. Mr. Speaker, I understand that. The gentleman from Iowa is a very conscientious member of the Foreign Affairs Committee and attends more sessions than perhaps most of us. I do understand that the day this came up, the gentleman from Iowa was in another committee, so I will try to answer any questions the gentleman may have.

Mr. GROSS. Mr. Speaker, approximately how many employees are there in the USIA?

Mr. HAYS. About 800 will be affected in the U.S. Information Agency.

Mr. GROSS. And they are not under any selection out authority as of now?

Mr. HAYS. Actually, they do not even have that protection, may I say to the gentleman. They are Foreign Service Reserve officers serving on a time-limited appointment as provided in the Foreign Service Act.

Mr. GROSS. Mr. Speaker, I will say to the gentleman that I have at hand two amendments to be offered to this bill by one of the Members who is unable to be here today. One deals with the selection out procedure, and the other with veterans' rights. Is the gentleman acquainted with the amendments?

Mr. HAYS. I am acquainted with them. I will hope the gentleman will not offer them from the simple reason that we are giving these people much more protection than they have now. I do not know, if those amendments are adopted, whether we could get this bill through the other body or get the other body to accept it, and we would have to go to conference.

We have put in the bill that the Department of State and USIA shall pay attention in the selection procedures to the fact that the man may be a veteran. At the moment, as reserves, these people have no protection whatever, so there is nothing in this bill that is limiting their protection. This bill is giving them status; it is giving them tenure, and it is giving them protection.

The SPEAKER. The time of the gentleman from Ohio has expired.

(By unanimous consent, Mr. Hays was allowed to proceed for 3 additional minutes.)

Mr. GROSS. Mr. Speaker, with that assurance from the gentleman, I will not offer the amendments. I would not be able to articulate too well on behalf of the amendments with the limited knowledge of the bill that I have, so I am glad to have the assurance of the gentleman from Ohio that in his opinion the amendments are not necessary to the protection of these employees.

Mr. HAYS. Let me reiterate to the gentleman from Iowa, the USIA offices are getting some protection under this bill. As of now they have none. They will secure tenure subject, as are Foreign Service offices in the Department of State, to selection out. But the selection out process is time-consuming procedure that is not exercised too often. There is a right of appeal.

Most of the people downtown have learned that if there is anything wrong with the procedure, and it is brought to the attention of the subcommittee, we take a look at it. We have been doing

that, and, in a couple instances, we have called in the State Department and said that we think a mistake has been made, and they said they did make a mistake and rescinded the order.

Mr. GROSS. I know that is correct. The subcommittee, of which the gentleman from Ohio is the Chairman, has done that.

Mr. HAYS. I thank the gentleman.

Mr. GROSS. I thank the gentleman for his response.

Mr. ADAIR. Mr. Speaker, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Indiana.

Mr. ADAIR. In further response to the gentleman from Iowa, let me say—and I am sure the gentleman will recall this—we have been diligent in trying to protect the rights of veterans. Speaking as a member not only of the Committee on Foreign Affairs but also of the Committee on Veterans' Affairs, I believe we have done all that we can in this legislation under the circumstances to protect the rights of veterans. It should be made abundantly clear that we wanted to do this. Certainly in good conscience I could support nothing less. We want veterans' rights and veterans' preferences as far as may be possible under the law to be maintained and extended whenever that can be done.

The SPEAKER pro tempore (Mr. HOLIFIELD). The time of the gentleman from Ohio has expired.

(By unanimous consent, Mr. Hays was allowed to proceed for 3 additional minutes.)

Mr. ADAIR. Mr. Speaker, will the gentleman yield further?

Mr. HAYS. I yield to the gentleman from Indiana.

Mr. ADAIR. Some would say that in the course of the selection-out process it is true that veterans' preferences or veterans' rights may be to a degree limited. I could not argue with that point of view. At the same time, having in view the overall benefits in this bill as described very well by the gentleman from Ohio [Mr. Hays] and having in mind the greater benefits that individuals will receive if this bill becomes law, such as tenure, and retirement under the Foreign Service system, I believe that on balance the benefits far outweigh the few limitations as are necessarily imposed. We have protected the veterans as we want to do, I repeat, to the maximum extent possible.

I urge that the House pass this bill.

Mr. HENDERSON. Mr. Speaker, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from North Carolina.

Mr. HENDERSON. I would like to ask one question with regard to section 14 on the veterans' preference. Do I correctly understand that the language of the bill now applies the provisions of the Veterans' Preference Act to the selection; that is, when they are first selected, both into the Foreign Service Office and the Foreign Service Information Office?

Mr. HAYS. That is correct.

Mr. HENDERSON. I want to commend the committee for taking that action. I believe it is an extension that would

presently apply without enactment of this bill to Foreign Service officers.

Mr. HAYS. There is no question about that.

Mr. HENDERSON. I commend the committee. In the future, as experience may warrant, it will be possible, if they do not comply with the request of the committee as stated in the report, to enact legislation that would further extend into this area.

The committee is commended not only for providing veterans' preference to the Foreign Service Information but also to the Foreign Service Office.

Mr. HAYS. I say to the gentleman, they had no protection at all in veterans' preference or anything else, without this bill. They will get a double protection, the protection of section 14 plus the career status.

Mr. HENDERSON. I commend the gentleman and the committee for writing into the law the veteran preference provision on the question of appointments, and expressing its intent regarding the selection-out process.

Mr. HAYS. I thank the gentleman.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HAYS. I am reluctant to continue asking the indulgence of the House on time. Would the gentleman care to move to strike out the last word?

Mr. ADAIR. Mr. Speaker, let me ask that the gentleman from Ohio be allowed to proceed for 5 additional minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. GROSS. I have one additional question.

Was the request for this legislation by the USIA or by the State Department, or both? From whence came the request?

Mr. HAYS. The request came from the U.S. Information Agency, and it was supported by the State Department.

Mr. GROSS. I thank the gentleman.

Mr. HAYS. I believe the State Department would be glad to have it. It would rather have Reserve appointments on a more regular basis.

Mr. REID of New York. Mr. Speaker, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from New York.

Mr. REID of New York. I thank the gentleman for yielding.

Is my understanding correct that what this bill seeks to do is to make it possible for a Foreign Service Reserve officer presently a member of the USIA to become a Foreign Service Information officer?

Mr. HAYS. That is correct.

Mr. REID of New York. But it does not, if I may ask further, permit a lateral transfer of such an officer into the category of Foreign Service officer itself? In other words, FSO's are not affected?

Mr. HAYS. That is correct. As the gentleman probably knows the Foreign Service reserve officers can be lateraled into the Foreign Service.

Mr. REID of New York. As the gentleman also knows, my only concern is that too much lateral transfer will occur without the requisite experience so as to

*dilute the FSO corps, and further that an embassy might be in the hands of somebody who is training and has not been principally in the diplomatic area.

Mr. HAYS. There is nothing in this bill that does that. There are arguments on both sides, I will say to the gentleman. There are a lot of people who think that the Foreign Service ought to be diluted by fresh blood, if you want to use the word "diluted," or the word "transfused." There are others who think that you ought never to get in unless you come in at the bottom. As the gentleman must know, the legislation which we are considering does not touch that but touches Foreign Service Information officers. There is a provision in the Foreign Service Act for lateral entry—but it has nothing to do with this bill.

Mr. REID of New York. As the gentleman knows, I am strongly in favor of transfusion, but I think it is important for the protection of the morale of the service that we have men of professional character, and as regards senior appointments in an embassy of senior FSO's, it is desirable that they have exquisite broad experience.

Mr. HAYS. There is nothing in this bill that will touch that.

Mr. ADAIR. Mr. Speaker, would not the gentleman agree that what we are doing here is setting up a system of Foreign Service information officers parallel to Foreign Service officers?

Mr. HAYS. Exactly.

[Mr. PURCELL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

Mr. HAYS. Mr. Speaker, if there are no further questions, I yield back the balance of my time and I move the previous question on the bill to final passage.

The previous question was ordered.

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 16363, TO AMEND POULTRY PRODUCTS INSPECTION ACT

Mr. PURCELL. Mr. Speaker, I call up the conference report on the bill (H.R. 16363) to clarify and otherwise amend the Poultry Products Inspection Act, to provide for cooperation with appropriate State agencies with respect to State poultry products inspection programs, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. HOLIFIELD). Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of August 1, 1968.)

Mr. PURCELL (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement of

the managers on the part of the House be dispensed with.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas is recognized for 1 hour.

Mr. PURCELL. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to. A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF S. 2484, AUTHORIZATION FOR EXTENSION OF NEW SENATE OFFICE BUILDING SITE

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1226 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1226

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 2484) to authorize the extension of the additional Senate Office Building site. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from California [Mr. SMITH] pending which I yield myself such time as I may consume.

The SPEAKER pro tempore. The gentleman from California is recognized.

Mr. SISK. Mr. Speaker, House Resolution 1226 provides an open rule with 1 hour of general debate for consideration of S. 2484 to authorize the extension of the additional Senate Office Building site.

S. 2484 will authorize the Architect of the Capitol under the direction of the Senate Office Building Commission, to acquire additional lots in square 725 on which the New Senate Office Building is located, and to request the closing of any alleys or parts of alleys or streets contained within the curb lines of square 725. It further authorizes the Architect of the Capitol, when directed by the Commission, to provide for the demolition of buildings or other structures on this property and, pending demolition, to use the property for Government purposes or to lease any or all of such property under such terms and conditions as he may deem most advantageous to the United States, and to incur any necessary expenses in connection with the demolition, use, or leasing of such property. The bill further pro-



Public Law 90-492
90th Congress, H. R. 16363
August 18, 1968

An Act

To clarify and otherwise amend the Poultry Products Inspection Act, to provide for cooperation with appropriate State agencies with respect to State poultry products inspection programs, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Wholesome Poultry Products Act".

Wholesome
Poultry Prod-
ucts Act.

SEC. 2. Section 2 of the Poultry Products Inspection Act (71 Stat. 441, as amended; 21 U.S.C. 451) is hereby amended to read:

"SEC. 2. Poultry and poultry products are an important source of the Nation's total supply of food. They are consumed throughout the Nation and the major portion thereof moves in interstate or foreign commerce. It is essential in the public interest that the health and welfare of consumers be protected by assuring that poultry products distributed to them are wholesome, not adulterated, and properly marked, labeled, and packaged. Unwholesome, adulterated, or misbranded poultry products impair the effective regulation of poultry products in interstate or foreign commerce, are injurious to the public welfare, destroy markets for wholesome, not adulterated, and properly labeled and packaged poultry products, and result in sundry losses to poultry producers and processors of poultry and poultry products, as well as injury to consumers. It is hereby found that all articles and poultry which are regulated under this Act are either in interstate or foreign commerce or substantially affect such commerce, and that regulation by the Secretary of Agriculture and cooperation by the States and other jurisdictions as contemplated by this Act are appropriate to prevent and eliminate burdens upon such commerce, to effectively regulate such commerce, and to protect the health and welfare of consumers."

82 STAT. 791

SEC. 3. Section 3 of said Act (21 U.S.C. 452) is hereby amended to read:

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"SEC. 3. It is hereby declared to be the policy of the Congress to provide for the inspection of poultry and poultry products and otherwise regulate the processing and distribution of such articles as hereinafter prescribed to prevent the movement or sale in interstate or foreign commerce of, or the burdening of such commerce by, poultry products which are adulterated or misbranded. It is the intent of Congress that when poultry and poultry products are condemned because of disease, the reason for condemnation in such instances shall be supported by scientific fact, information, or criteria, and such condemnation under this Act shall be achieved through uniform inspection standards and uniform applications thereof."

SEC. 4. Section 4 of said Act (21 U.S.C. 453) is hereby amended to read:

"SEC. 4. For purposes of this Act—

Definitions.

"(a) The term 'commerce' means commerce between any State, any territory, or the District of Columbia, and any place outside thereof; or within any territory not organized with a legislative body, or the District of Columbia.

"(b) Except as otherwise provided in this Act, the term 'State' means any State of the United States and the Commonwealth of Puerto Rico.

"(c) The term 'territory' means Guam, the Virgin Islands of the United States, American Samoa, and any other territory or possession of the United States, excluding the Canal Zone.

"(d) The term 'United States' means the States, the District of Columbia, and the territories of the United States.

"(e) The term 'poultry' means any domesticated bird, whether live or dead.

"(f) The term 'poultry product' means any poultry carcass, or part thereof; or any product which is made wholly or in part from any poultry carcass or part thereof, excepting products which contain poultry ingredients only in a relatively small proportion or historically have not been considered by consumers as products of the poultry food industry, and which are exempted by the Secretary from definition as a poultry product under such conditions as the Secretary may prescribe to assure that the poultry ingredients in such products are not adulterated and that such products are not represented as poultry products.

"Adulterated."

"(g) The term 'adulterated' shall apply to any poultry product under one or more of the following circumstances:

"(1) if it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance, such article shall not be considered adulterated under this clause if the quantity of such substance in or on such article does not ordinarily render it injurious to health;

"(2) (A) if it bears or contains (by reason of administration of any substance to the live poultry or otherwise) any added poisonous or added deleterious substance (other than one which is (i) a pesticide chemical in or on a raw agricultural commodity; (ii) a food additive; or (iii) a color additive) which may, in the judgment of the Secretary, make such article unfit for human food;

"(B) if it is, in whole or in part, a raw agricultural commodity and such commodity bears or contains a pesticide chemical which is unsafe within the meaning of section 408 of the Federal Food, Drug, and Cosmetic Act;

"(C) if it bears or contains any food additive which is unsafe within the meaning of section 409 of the Federal Food, Drug, and Cosmetic Act;

"(D) if it bears or contains any color additive which is unsafe within the meaning of section 706 of the Federal Food, Drug, and Cosmetic Act: *Provided*, That an article which is not otherwise deemed adulterated under clause (B), (C), or (D) shall nevertheless be deemed adulterated if use of the pesticide chemical, food additive, or color additive in or on such article is prohibited by regulations of the Secretary in official establishments;

"(3) if it consists in whole or in part of any filthy, putrid, or decomposed substance or is for any other reason unsound, unhealthful, unwholesome, or otherwise unfit for human food;

"(4) if it has been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health;

"(5) if it is, in whole or in part, the product of any poultry which has died otherwise than by slaughter;

"(6) if its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health;

"(7) if it has been intentionally subjected to radiation, unless the use of the radiation was in conformity with a regulation or exemption in effect pursuant to section 409 of the Federal Food, Drug, and Cosmetic Act; or

"(8) if any valuable constituent has been in whole or in part omitted or abstracted therefrom; or if any substance has been substituted, wholly or in part therefor; or if damage or inferiority

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82 STAT. 793

68 Stat. 511.

21 USC 346a.

72 Stat. 1785.

21 USC 348.

74 Stat. 399.

21 USC 376.

has been concealed in any manner; or if any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is.

"(h) The term 'misbranded' shall apply to any poultry product under one or more of the following circumstances: "Misbranded."

"(1) if its labeling is false or misleading in any particular;

"(2) if it is offered for sale under the name of another food;

"(3) if it is an imitation of another food, unless its label bears, in type of uniform size and prominence, the word 'imitation' and immediately thereafter, the name of the food imitated; 82 STAT. 793
82 STAT. 794

"(4) if its container is so made, formed, or filled as to be misleading;

"(5) unless it bears a label showing (A) the name and the place of business of the manufacturer, packer, or distributor; and (B) an accurate statement of the quantity of the product in terms of weight, measure, or numerical count: *Provided*, That under clause (B) of this subparagraph (5), reasonable variations may be permitted, and exemptions as to small packages or articles not in packages or other containers may be established by regulations prescribed by the Secretary;

"(6) if any word, statement, or other information required by or under authority of this Act to appear on the label or other labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;

"(7) if it purports to be or is represented as a food for which a definition and standard of identity or composition has been prescribed by regulations of the Secretary under section 8 of this Act unless (A) it conforms to such definition and standard, and (B) its label bears the name of the food specified in the definition and standard and, insofar as may be required by such regulations, the common names of optional ingredients (other than spices, flavoring, and coloring) present in such food;

"(8) if it purports to be or is represented as a food for which a standard or standards of fill of container have been prescribed by regulations of the Secretary under section 8 of this Act, and it falls below the standard of fill of container applicable thereto, unless its label bears, in such manner and form as such regulations specify, a statement that it falls below such standard;

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"(9) if it is not subject to the provisions of subparagraph (7), unless its label bears (A) the common or usual name of the food, if any there be, and (B) in case it is fabricated from two or more ingredients, the common or usual name of each such ingredient; except that spices, flavorings, and colorings may, when authorized by the Secretary, be designated as spices, flavorings, and colorings without naming each: *Provided*, That to the extent that compliance with the requirements of clause (B) of this subparagraph (9) is impracticable or results in deception or unfair competition, exemptions shall be established by regulations promulgated by the Secretary;

"(10) if it purports to be or is represented for special dietary uses unless its label bears such information concerning its vitamin, mineral, and other dietary properties as the Secretary, after consultation with the Secretary of Health, Education, and Welfare, determines to be, and by regulations prescribes as, necessary in order fully to inform purchasers as to its value for such uses;

"(11) if it bears or contains any artificial flavoring, artificial coloring, or chemical preservative, unless it bears labeling stating that fact: *Provided*, That, to the extent that compliance with the requirements of this subparagraph (11) is impracticable, exemptions shall be established by regulations promulgated by the Secretary; or

"(12) if it fails to bear on its containers, and in the case of nonconsumer packaged carcasses (if the Secretary so requires) directly thereon, as the Secretary may by regulations prescribe, the official inspection legend and official establishment number of the establishment where the article was processed, and, unrestricted by any of the foregoing, such other information as the Secretary may require in such regulations to assure that it will not have false or misleading labeling and that the public will be informed of the manner of handling required to maintain the article in a wholesome condition.

"(i) The term 'Secretary' means the Secretary of Agriculture or his delegate.

"(j) The term 'person' means any individual, partnership, corporation, association, or other business unit.

"(k) The term 'inspector' means: (1) an employee or official of the United States Government authorized by the Secretary to inspect poultry and poultry products under the authority of this Act, or (2) any employee or official of the government of any State or territory or the District of Columbia authorized by the Secretary to inspect poultry and poultry products under authority of this Act, under an agreement entered into between the Secretary and the appropriate State or other agency.

"(l) The term 'official mark' means the official inspection legend or any other symbol prescribed by regulation of the Secretary to identify the status of any article or poultry under this Act.

"(m) The term 'official inspection legend' means any symbol prescribed by regulations of the Secretary showing that an article was inspected for wholesomeness in accordance with this Act.

"(n) The term 'official certificate' means any certificate prescribed by regulations of the Secretary for issuance by an inspector or other person performing official functions under this Act.

"(o) The term 'official device' means any device prescribed or authorized by the Secretary for use in applying any official mark.

"(p) The term 'official establishment' means any establishment as determined by the Secretary at which inspection of the slaughter of poultry, or the processing of poultry products, is maintained under the authority of this Act.

"(q) The term 'inspection service' means the official Government service within the Department of Agriculture designated by the Secretary as having the responsibility for carrying out the provisions of this Act.

"(r) The term 'container' or 'package' includes any box, can, tin, cloth, plastic, or other receptacle, wrapper, or cover.

"(s) The term 'label' means a display of written, printed, or graphic matter upon any article or the immediate container (not including packaged liners) of any article; and the term 'labeling' means all labels and other written, printed, or graphic matter (1) upon any article or any of its containers or wrappers, or (2) accompanying such article.

"(t) The term 'shipping container' means any container used or intended for use in packaging the product packed in an immediate container.

“(u) The term ‘immediate container’ includes any consumer package; or any other container in which poultry products, not consumer packaged, are packed.

“(v) The term ‘capable of use as human food’ shall apply to any carcass, or part or product of a carcass, of any poultry, unless it is denatured or otherwise identified as required by regulations prescribed by the Secretary to deter its use as human food, or it is naturally inedible by humans.

“(w) The term ‘processed’ means slaughtered, canned, salted, stuffed, rendered, boned, cut up, or otherwise manufactured or processed.

“(x) The term ‘Federal Food, Drug, and Cosmetic Act’ means the Act so entitled, approved June 25, 1938 (52 Stat. 1040), and Acts amendatory thereof or supplementary thereto. 21 USC 301.

“(y) The terms ‘pesticide chemical’, ‘food additive’, ‘color additive’, and ‘raw agricultural commodity’ shall have the same meanings for purposes of this Act as under the Federal Food, Drug, and Cosmetic Act.

“(z) The term ‘poultry products broker’ means any person engaged in the business of buying or selling poultry products on commission, or otherwise negotiating purchases or sales of such articles other than for his own account or as an employee of another person.

“(aa) The term ‘renderer’ means any person engaged in the business of rendering carcasses, or parts or products of the carcasses, of poultry, except rendering conducted under inspection or exemption under this Act.

“(bb) The term ‘animal food manufacturer’ means any person engaged in the business of manufacturing or processing animal food derived wholly or in part from carcasses, or parts or products of the carcasses, of poultry.”

SEC. 5. Section 5 of said Act (21 U.S.C. 454) is hereby amended to read: 71 Stat. 443.

“SEC. 5. (a) It is the policy of the Congress to protect the consuming public from poultry products that are adulterated or misbranded and to assist in efforts by State and other government agencies to accomplish this objective. In furtherance of this policy—

“(1) The Secretary is authorized, whenever he determines that it would effectuate the purposes of this Act, to cooperate with the appropriate State agency in developing and administering a State poultry product inspection program in any State which has enacted a mandatory State poultry product inspection law that imposes ante mortem and post mortem inspection, reinspection and sanitation requirements that are at least equal to those under this Act, with respect to all or certain classes of persons engaged in the State in slaughtering poultry or processing poultry products for use as human food solely for distribution within such State.

“(2) The Secretary is further authorized, whenever he determines that it would effectuate the purposes of this Act, to cooperate with appropriate State agencies in developing and administering State programs under State laws containing authorities at least equal to those provided in section 11 of this Act; and to cooperate with other agencies of the United States in carrying out any provisions of this Act. In carrying out the provisions of this Act, the Secretary may conduct such examinations, investigations, and inspections as he determines practicable through any officer or employee of any State or Territory or the District of Columbia commissioned by the Secretary for such purpose.

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Cooperation
with State
agencies.

"(3) Cooperation with State agencies under this section may include furnishing to the appropriate State agency (i) advisory assistance in planning and otherwise developing an adequate State program under the State law; and (ii) technical and laboratory assistance and training (including necessary curricular and instructional materials and equipment), and financial and other aid for administration of such a program. The amount to be contributed to any State by the Secretary under this section from Federal funds for any year shall not exceed 50 per centum of the estimated total cost of the cooperative program; and the Federal funds shall be allocated among the States desiring to cooperate on an equitable basis. Such cooperation and payment shall be contingent at all times upon the administration of the State program in a manner which the Secretary, in consultation with the appropriate advisory committee appointed under subparagraph (4), deems adequate to effectuate the purposes of this section.

Advisory com-
mittees.

"(4) The Secretary may appoint advisory committees consisting of such representatives of appropriate State agencies as the Secretary and the State agencies may designate to consult with him concerning State and Federal programs with respect to poultry product inspection and other matters within the scope of this Act, including evaluating State programs for purposes of this Act and obtaining better coordination and more uniformity among the State programs and between the Federal and State programs and adequate protection of consumers.

"(b) The appropriate State agency with which the Secretary may cooperate under this Act shall be a single agency in the State which is primarily responsible for the coordination of the State programs having objectives similar to those under this Act. When the State program includes performance of certain functions by a municipality or other subordinate governmental unit, such unit shall be deemed to be a part of the State agency for purposes of this section.

"(c) (1) If the Secretary has reason to believe, by thirty days prior to the expiration of two years after enactment of the Wholesome Poultry Products Act, that a State has failed to develop or is not enforcing, with respect to all establishments within its jurisdiction (except those that would be exempted from Federal inspection under subparagraph (2) of this paragraph (c)), at which poultry are slaughtered, or poultry products are processed for use as human food, solely for distribution within such State, and the products of such establishments, requirements at least equal to those imposed under sections 1-4, 6-10, and 12-22 of this Act, he shall promptly notify the Governor of the State of this fact. If the Secretary determines, after consultation with the Governor of the State, or representative selected by him, that such requirements have not been developed and activated, he shall promptly after the expiration of such two-year period designate such State as one in which the provisions of said sections of this Act shall apply to operations and transactions wholly within such State: *Provided*, That if the Secretary has reason to believe that the State will activate such requirements within one additional year, he may delay such designation for said period, and not designate the State, if he determines at the end of the year that the State then has such requirements in effective operation. The Secretary shall publish any such designation in the Federal Register and, upon the expiration of thirty days after such publication, the provisions of said sections of this Act shall apply to operations and transactions and to persons engaged therein in the State to the same extent and in the same manner as if such operations and transactions were conducted in or for commerce. However, notwithstanding any

Publication
in Federal
Register.

other provision of this section, if the Secretary determines that any establishment within a State is producing adulterated poultry products for distribution within such State which would clearly endanger the public health he shall notify the Governor of the State and the appropriate advisory committee provided for by subparagraph (a) (4) of this section of such fact for effective action under State or local law. If the State does not take action to prevent such endangering of the public health within a reasonable time after such notice, as determined by the Secretary, in light of the risk to public health, the Secretary may forthwith designate any such establishment as subject to the provisions of said sections of this Act, and thereupon the establishment and operator thereof shall be subject to such provisions as though engaged in commerce until such time as the Secretary determines that such State has developed and will enforce requirements at least equal to those imposed under said sections.

"(2) The provisions of this Act requiring inspection of the slaughter of poultry and the processing of poultry products shall not apply to operations of types traditionally and usually conducted at retail stores and restaurants, when conducted at any retail store or restaurant or similar retail-type establishment for sale in normal retail quantities or service of such articles to consumers at such establishments if such establishments are subject to such inspection provisions only under this paragraph (c).

"(3) Whenever the Secretary determines that any State designated under this paragraph (c) has developed and will enforce State poultry products inspection requirements at least equal to those imposed under the aforesaid sections of this Act, with respect to the operations and transactions within such State which are regulated under subparagraph (1) of this paragraph (c), he shall terminate the designation of such State under this paragraph (c), but this shall not preclude the subsequent redesignation of the State at any time upon thirty days' notice to the Governor and publication in the Federal Register in accordance with this paragraph, and any State may be designated upon such notice and publication, at any time after the period specified in this paragraph whether or not the State has theretofore been designated, upon the Secretary determining that it is not effectively enforcing requirements at least equal to those imposed under said sections.

"(4) The Secretary shall promptly upon enactment of the Wholesome Poultry Products Act, and periodically thereafter, but at least annually, review the requirements, including the enforcement thereof, of the several States not designated under this paragraph (c), with respect to the slaughter, and the processing, storage, handling, and distribution of poultry products, and inspection of such operations, and annually report thereon to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture and Forestry of the Senate in the report required in section 27 of this Act.

"(d) As used in this section, the term 'State' means any State (including the Commonwealth of Puerto Rico) or organized territory."

SEC. 6. Section 6 of said Act (21 U.S.C. 455) is hereby amended as follows:

(a) Paragraph (a) is amended to read:

"(a) For the purpose of preventing the entry into or flow or movement in commerce of, or the burdening of commerce by, any poultry product which is capable of use as human food and is adulterated, the Secretary shall, where and to the extent considered by him necessary, cause to be made by inspectors ante mortem inspection of poultry in each official establishment processing poultry or poultry products for commerce or otherwise subject to inspection under this Act."

Review of requirements.

Reports to congressional committees.

Post, p. 807.
"State."

71 Stat. 443.

82 STAT. 799

(b) Paragraph (b) is amended by deleting the phrase "in, or for marketing in a designated city or area" and substituting the phrase "otherwise subject to inspection under this Act"; by inserting the word "and" before the word "reinspection"; and by inserting the phrase "capable of use as human food" after the phrase "poultry products" the first time the latter phrase appears in the paragraph.

(c) Paragraph (c) is amended by deleting the phrase "unwhole some or" and the phrase "not unwholesome and" each time they appear therein; and by inserting the word "other" before the phrase "poultry products".

71 Stat. 444.

SEC. 7. In section 7 of said Act (21 U.S.C. 456) paragraph (a) is hereby amended by deleting the phrase "in or for marketing in a designating major consuming area" and substituting the phrase "other wise subject to inspection under this Act"; by deleting the phrase "in a designated major consuming area" and substituting the phrase "bur densome effect upon commerce"; and by deleting the phrase "unwhole some or".

SEC. 8. Section 8 of said Act (21 U.S.C. 457) is hereby amended to read:

"SEC. 8. (a) All poultry products inspected at any official estab- lishment under the authority of this Act and found to be not adulter ated, shall at the time they leave the establishment bear, in distinctly legible form, on their shipping containers and immediate containers as the Secretary may require, the information required under para graph (h) of section 4 of this Act. In addition, the Secretary whenever he determines such action is practicable and necessary for the pro tection of the public, may require nonconsumer packaged carcasses at the time they leave the establishment to bear directly thereon in dis tinctly legible form any information required under such paragraph (h).

Ante, p. 793.

"(b) The Secretary, whenever he determines such action is neces sary for the protection of the public, may prescribe: (1) the styles and sizes of type to be used with respect to material required to be incorporated in labeling to avoid false or misleading labeling in mark ing and labeling any articles or poultry subject to this Act; (2) defini tions and standards of identity or composition or articles subject to this Act and standards of fill of container for such articles not incon sistent with any such standards established under the Federal Food, Drug, and Cosmetic Act, and there shall be consultation between the Secretary and the Secretary of Health, Education, and Welfare prior to the issuance of such standards under either Act relating to articles subject to this Act to avoid inconsistency in such standards and pos sible impairment of the coordinated effective administration of these Acts. There shall also be consultation between the Secretary and an appropriate advisory committee provided for in section 5 of this Act, prior to the issuance of such standards under this Act, to avoid, insofar as feasible, inconsistency between Federal and State standards.

52 Stat. 1040.
21 USC 301.

Ante, p. 797.

"(c) No article subject to this Act shall be sold or offered for sale by any person in commerce, under any name or other marking or label ing which is false or misleading, or in any container of a misleading form or size, but established trade names and other marking and label ing and containers which are not false or misleading and which are approved by the Secretary are permitted.

"(d) If the Secretary has reason to believe that any marking or labeling or the size or form of any container in use or proposed for use with respect to any article subject to this Act is false or misleading in any particular, he may direct that such use be withheld unless the marking, labeling, or container is modified in such manner as he may prescribe so that it will not be false or misleading. If the person using

or proposing to use the marking, labeling, or container does not accept the determination of the Secretary, such person may request a hearing, but the use of the marking, labeling, or container shall, if the Secretary so directs, be withheld pending hearing and final determination by the Secretary. Any such determination by the Secretary shall be conclusive unless, within thirty days after receipt of notice of such final determination, the person adversely affected thereby appeals to the United States Court of Appeals for the circuit in which such person has its principal place of business or to the United States Court of Appeals for the District of Columbia Circuit. The provisions of section 204 of the Packers and Stockyards Act, 1921 (42 Stat. 162, as amended; 7 U.S.C. 194) shall be applicable to appeals taken under this section." 72 Stat. 944.

SEC. 9. Section 9 of said Act (21 U.S.C. 458) is amended to read:

Prohibited acts.
71 Stat. 445.

"SEC. 9. (a) No person shall—

"(1) slaughter any poultry or process any poultry products which are capable of use as human food at any establishment processing any such articles for commerce, except in compliance with the requirements of this Act;

"(2) sell, transport, offer for sale or transportation, or receive for transportation, in commerce, (A) any poultry products which are capable of use as human food and are adulterated or misbranded at the time of such sale, transportation, offer for sale or transportation, or receipt for transportation; or (B) any poultry products required to be inspected under this Act unless they have been so inspected and passed;

"(3) do, with respect to any poultry products which are capable of use as human food, any act while they are being transported in commerce or held for sale after such transportation, which is intended to cause or has the effect of causing such products to be adulterated or misbranded;

"(4) sell, transport, offer for sale or transportation, or receive for transportation, in commerce or from an official establishment, any slaughtered poultry from which the blood, feathers, feet, head, or viscera have not been removed in accordance with regulations promulgated by the Secretary, except as may be authorized by regulations of the Secretary;

"(5) use to his own advantage, or reveal other than to the authorized representatives of the United States Government or any State or other government in their official capacity, or as ordered by a court in any judicial proceedings, any information acquired under the authority of this Act concerning any matter which is entitled to protection as a trade secret.

"(b) No brand manufacturer, printer, or other person shall cast, print, lithograph, or otherwise make any device containing any official mark or simulation thereof, or any label bearing any such mark or simulation, or any form of official certificate or simulation thereof, except as authorized by the Secretary.

"(c) No person shall—

"(1) forge any official device, mark, or certificate;

"(2) without authorization from the Secretary use any official device, mark, or certificate, or simulation thereof, or alter, detach, deface, or destroy any official device, mark, or certificate;

"(3) contrary to the regulations prescribed by the Secretary, fail to use, or to detach, deface, or destroy any official device, mark, or certificate;

"(4) knowingly possess, without promptly notifying the Secretary or his representative, any official device or any counterfeit, simulated, forged, or improperly altered official certificate or any

device or label or any carcass of any poultry, or part or product thereof, bearing any counterfeit, simulated, forged, or improperly altered official mark;

"(5) knowingly make any false statement in any shipper's certificate or other nonofficial or official certificate provided for in the regulations prescribed by the Secretary; or

"(6) knowingly represent that any article has been inspected and passed, or exempted, under this Act when, in fact, it has, respectively, not been so inspected and passed, or exempted."

71 Stat. 446.

SEC. 10. Section 10 of said Act (21 U.S.C. 459) is hereby amended by deleting the phrase "in or for marketing in a designated major consuming area" and substituting the phrase "otherwise subject to this Act".

SEC. 11. Section 11 of said Act (21 U.S.C. 460) is hereby amended to read:

"(a) Inspection shall not be provided under this Act at any establishment for the slaughter of poultry or the processing of any carcasses or parts or products of poultry, which are not intended for use as human food, but such articles shall, prior to their offer for sale or transportation in commerce, unless naturally inedible by humans, be denatured or otherwise identified as prescribed by regulations of the Secretary to deter their use for human food. No person shall buy, sell, transport, or offer for sale or transportation, or receive for transportation, in commerce, or import, any poultry carcasses or parts or products thereof which are not intended for use as human food unless they are denatured or otherwise identified as required by the regulations of the Secretary or are naturally inedible by humans.

Recordkeeping.

"(b) The following classes of persons shall, for such period of time as the Secretary may by regulations prescribe, not to exceed two years unless otherwise directed by the Secretary for good cause shown, keep such records as are properly necessary for the effective enforcement of this Act in order to insure against adulterated or misbranded poultry products for the American consumer; and all persons subject to such requirements shall, at all reasonable times, upon notice by a duly authorized representative of the Secretary, afford such representative access to their places of business and opportunity to examine the facilities, inventory, and records thereof, to copy all such records, and to take reasonable samples of their inventory upon payment of the fair market value therefor—

Access to
records for
examination.

"(1) Any person that engages in the business of slaughtering any poultry or processing, freezing, packaging, or labeling any carcasses, or parts or products of carcasses, of any poultry, for commerce, for use as human food or animal food;

"(2) Any person that engages in the business of buying or selling (as poultry products brokers, wholesalers or otherwise), or transporting, in commerce, or storing in or for commerce, or importing, any carcasses, or parts or products of carcasses, of any poultry;

"(3) Any person that engages in business, in or for commerce, as a renderer, or engages in the business of buying, selling, or transporting, in commerce, or importing, any dead, dying, disabled, or diseased poultry or parts of the carcasses of any poultry that died otherwise than by slaughter.

"(c) No person shall engage in business, in or for commerce, as a poultry products broker, renderer, or animal food manufacturer, or engage in business in commerce as a wholesaler of any carcasses, or parts or products of the carcasses, of any poultry, whether intended for human food or other purposes, or engage in business as a public warehouseman storing any such articles in or for commerce, or engage

in the business of buying, selling, or transporting in commerce, or importing, any dead, dying, disabled, or diseased poultry, or parts of the carcasses of any poultry that died otherwise than by slaughter, unless, when required by regulations of the Secretary, he has registered with the Secretary his name, and the address of each place of business at which, and all trade names under which, he conducts such business.

“(d) No person engaged in the business of buying, selling, or transporting in commerce, or importing, dead, dying, disabled, or diseased poultry, or any parts of the carcasses of any poultry that died otherwise than by slaughter, shall buy, sell, transport, offer for sale or transportation, or receive for transportation, in commerce, or import, any dead, dying, disabled, or diseased poultry or parts of the carcasses of any poultry that died otherwise than by slaughter, unless such transaction, transportation or importation is made in accordance with such regulations as the Secretary may prescribe to assure that such poultry, or the unwholesome parts or products thereof, will be prevented from being used for human food.

“(e) The authority conferred on the Secretary by paragraph (b), (c), or (d) of this section with respect to persons engaged in the specified kinds of business in or for commerce may be exercised with respect to persons engaged, in any State or organized territory, in such kinds of business but not in or for commerce, whenever the Secretary determines, after consultation with an appropriate advisory committee provided for in section 5 of this Act, that the State or territory does not have at least equal authority under its laws or such authority is not exercised in a manner to effectuate the purposes of this Act, including the State or territory providing for the Secretary or his representative being afforded access to such places of business and the facilities, inventories, and records thereof, and the taking of reasonable samples, where he determines necessary in carrying out his responsibilities under this Act; and in such case the provisions of paragraph (b), (c), or (d) of this section, respectively, shall apply to such persons to the same extent and in the same manner as if they were engaged in such business in or for commerce and the transactions involved were in commerce.”

Ante, p. 797.

SEC. 12. Section 12 of said Act (21 U.S.C. 461) is hereby amended as follows:

Penalties.
71 Stat. 446.

(a) Paragraph (a) is amended by changing the first sentence to read:

“Any person who violates the provisions of section 9, 10, 11, 14, or 17 of this Act shall be fined not more than \$1,000 or imprisoned not more than one year, or both; but if such violation involves intent to defraud, or any distribution or attempted distribution of an article that is adulterated (except as defined in section 4(g)(8) of this Act), such person shall be fined not more than \$10,000 or imprisoned not more than three years, or both.”

Ante, p. 793.

(b) Paragraph (b) is amended by deleting the phrase “not otherwise eligible” and substituting the phrase “otherwise not eligible”; by deleting the word “slaughtered” each time it appears; and by adding the following before the period at the end of the paragraph: “or unless the carrier refuses to furnish on request of a representative of the Secretary the name and address of the person from whom he received such poultry or poultry products, and copies of all documents, if any there be, pertaining to the delivery of the poultry or poultry products to such carrier”.

(c) A new paragraph (c) is added to read:

“(c) Any person who forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person while engaged in or on account of the performance of his official duties under this Act shall

be fined not more than \$5,000 or imprisoned not more than three years, or both. Whoever, in the commission of any such acts, uses a deadly or dangerous weapon, shall be fined not more than \$10,000 or imprisoned not more than ten years, or both. Whoever kills any person while engaged in or on account of the performance of his official duties under this Act shall be punished as provided under sections 1111 and 1114 of title 18, United States Code."

62 Stat. 756;
76 Stat. 132.
Regulations.
71 Stat. 447.

SEC. 13. (a) Section 14 of said Act (21 U.S.C. 463) is hereby amended by designating the present provisions thereof as paragraph (b); by inserting the word "other" before the word "rules" in said paragraph; and by adding a new paragraph (a) to read:

"(a) The Secretary may by regulations prescribe conditions under which poultry products capable of use as human food, shall be stored or otherwise handled by any person engaged in the business of buying, selling, freezing, storing, or transporting, in or for commerce, or importing, such articles, whenever the Secretary deems such action necessary to assure that such articles will not be adulterated or misbranded when delivered to the consumer. Violation of any such regulation is prohibited.

(b) Section 14 of said Act is further amended by inserting at the end thereof the following new subsection:

80 Stat. 383.

"(c) In applying the provisions of section 553(c) of title 5, United States Code, to proposed rule making under this Act, an opportunity for the oral presentation of views shall be accorded all interested persons."

SEC. 14. Section 15 of said Act (21 U.S.C. 464) is hereby amended as follows:

(a) In paragraph (a), subparagraph (1) is deleted and subparagraphs (2), (3), and (4) are redesignated, respectively, as subparagraphs (1), (2), and (3);

(b) In paragraph (a), in redesignated subparagraph (2) (formerly (3)), the date "July 1, 1960" is deleted and the date "January 1, 1970" is substituted therefor;

(c) Paragraph (b) is redesignated as paragraph (e) and new paragraphs (b), (c), and (d) are added to read:

Exemption.

"(b) The Secretary may, under such sanitary conditions as he may by regulations prescribe, exempt from the inspection requirements of this Act the slaughter of poultry, and the processing of poultry products, by any person in any Territory not organized with a legislative body, solely for distribution within such Territory, when the Secretary determines that it is impracticable to provide such inspection within the limits of funds appropriated for administration of this Act and that such exemption will aid in the effective administration of this Act.

Exemptions.

"(c) (1) The Secretary shall, by regulation and under such conditions, including sanitary standards, practices, and procedures, as he may prescribe, exempt from specific provisions of this Act—

"(A) the slaughtering by any person of poultry of his own raising, and the processing by him and transportation in commerce of the poultry products exclusively for use by him and members of his household and his nonpaying guests and employees;

"(B) the custom slaughter by any person of poultry delivered by the owner thereof for such slaughter, and the processing by such slaughterer and transportation in commerce of the poultry products exclusively for use, in the household of such owner, by him and members of his household and his nonpaying guests and employees: *Provided*, That such custom slaughterer does not

engage in the business of buying or selling any poultry products capable of use as human food;

“(C) the slaughtering and processing of poultry products in any State or Territory or the District of Columbia by any poultry producer on his own premises with respect to sound and healthy poultry raised on his premises and the distribution by any person solely within such jurisdiction of the poultry products derived from such operations, if, in lieu of other labeling requirements, such poultry products are identified with the name and address of such poultry producer, and if they are not otherwise misbranded, and are sound, clean, and fit for human food when so distributed; and

“(D) the slaughtering of sound and healthy poultry or the processing of poultry products of such poultry in any State or territory or the District of Columbia by any poultry producer or other person for distribution by him solely within such jurisdiction directly to household consumers, restaurants, hotels, and boarding houses, for use in their own dining rooms, or in the preparation of meals for sales direct to consumers, if, in lieu of other labeling requirements, such poultry products are identified with the name and address of the processor, and if they are not otherwise misbranded and are sound, clean, and fit for human food when distributed by such processor.

The exemptions provided for in clauses (C) and (D) above shall not apply if the poultry producer or other person engages in the current calendar year in the business of buying or selling any poultry or poultry products other than as specified in such clauses.

“(2) In addition to the specific exemptions provided herein, the Secretary shall, when he determines that the protection of consumers from adulterated or misbranded poultry products will not be impaired by such action, provide by regulation, consistent with subparagraph (3), for the exemption of the operation and products of small enterprises (including poultry producers), not exempted under subparagraph (1), which are engaged in any State or Territory or the District of Columbia in slaughtering and/or cutting up poultry for distribution as carcasses or parts thereof solely for distribution within such jurisdiction, from such provisions of this Act as he deems appropriate, while still protecting the public from adulterated or misbranded products, under such conditions, including sanitary requirements, as he shall prescribe to effectuate the purposes of this Act.

“(3) No exemption under subparagraph (1) (C) or (D) or subparagraph (2) shall apply to any poultry producer or other person who slaughters or processes the products of more than 5,000 turkeys or an equivalent number of poultry of all species in the current calendar year (four birds of other species being deemed the equivalent of one turkey).

“(4) The provisions of this Act shall not apply to poultry producers with respect to poultry of their own raising on their own farms if (i) such producers slaughter not more than 250 turkeys, or not more than an equivalent number of birds of all species during the calendar year for which this exemption is being determined (four birds of other species being deemed the equivalent of one turkey); (ii) such poultry producers do not engage in buying or selling poultry products other than those produced from poultry raised on their own farms; and (iii) none of such poultry moves in commerce (as defined in section 4(a) of this Act).

Ante, p. 792.

“(d) The adulteration and misbranding provisions of this Act, other than the requirement of the inspection legend, shall apply to articles which are exempted from inspection under this section, except as otherwise specified under paragraphs (a) and (c).”

71 Stat. 447.

SEC. 15. Section 16 of said Act (21 U.S.C. 465) is hereby amended to read:

"SEC. 16. The Secretary may limit the entry of poultry products and other materials into any official establishment, under such conditions as he may prescribe to assure that allowing the entry of such articles into such inspected establishments will be consistent with the purposes of this Act."

Inspection
services.

SEC. 16. Section 18 of said Act (21 U.S.C. 467) is hereby amended to read:

"SEC. 18. (a) The Secretary may (for such period, or indefinitely, as he deems necessary to effectuate the purposes of this Act) refuse to provide, or withdraw, inspection service under this Act with respect to any establishment if he determines, after opportunity for a hearing is accorded to the applicant for, or recipient of, such service, that such applicant or recipient is unfit to engage in any business requiring inspection upon this Act because the applicant or recipient or anyone responsibly connected with the applicant or recipient, has been convicted, in any Federal or State court, within the previous ten years of (1) any felony or more than one misdemeanor under any law based upon the acquiring, handling, or distributing of adulterated, mislabeled, or deceptively packaged food or fraud in connection with transactions in food; or (2) any felony, involving fraud, bribery, extortion, or any other act or circumstances indicating a lack of the integrity needed for the conduct of operations affecting the public health. For the purpose of this paragraph a person shall be deemed to be responsibly connected with the business if he was a partner, officer, director, holder, or owner of 10 per centum or more of its voting stock or employee in a managerial or executive capacity.

Opportunity
for hearing.

Ante, p. 798.

Ante, p. 799.

"(b) Upon the withdrawal of inspection service from any official establishment for failure to destroy condemned poultry products as required under section 6 of this Act, or other failure of an official establishment to comply with the requirements as to premises, facilities, or equipment, or the operation thereof, as provided in section 7 of this Act, or the refusal of inspection service to any applicant therefor because of failure to comply with any requirements under section 7, the applicant for, or recipient of, the service shall, upon request, be afforded opportunity for a hearing with respect to the merits or validity of such action; but such withdrawal or refusal shall continue in effect unless otherwise ordered by the Secretary.

Judicial
review.

"(c) The determination and order of the Secretary when made after opportunity for hearing, with respect to withdrawal or refusal of inspection service under this Act shall be final and conclusive unless the affected applicant for, or recipient of, inspection service files application for judicial review within thirty days after the effective date of such order in the United States Court of Appeals as provided in section 8 of this Act. Judicial review of any such order shall be upon the record upon which the determination and order are based. The provisions of section 204 of the Packers and Stockyards Act of 1921, as amended, shall be applicable to appeals taken under this section."

42 Stat. 162;
72 Stat. 944.
7 USC 194.

SEC. 17. Sections 19 through 22 of said Act (21 U.S.C. 468, 469, 451 note) are hereby redesignated as sections 25, 26, 28, and 29, respectively, and new sections 19, 20, 21, 22, 23, 24, and 27 are added to the Act to read, respectively:

Detention of
adulterated
poultry prod-
ucts.

"SEC. 19. Whenever any poultry product, or any product exempted from the definition of a poultry product, or any dead, dying, disabled, or diseased poultry is found by any authorized representative of the Secretary upon any premises where it is held for purposes of, or during or after distribution in, commerce or otherwise subject to this Act, and there is reason to believe that any such article is adulterated or mis-

branded and is capable of use as human food, or that it has not been inspected, in violation of the provisions of this Act or of any other Federal law or the laws of any State or Territory, or the District of Columbia, or that it has been or is intended to be, distributed in violation of any such provisions, it may be detained by such representative for a period not to exceed twenty days, pending action under section 20 of this Act or notification of any Federal, State, or other governmental authorities having jurisdiction over such article or poultry, and shall not be moved by any person, from the place at which it is located when so detained, until released by such representative. All official marks may be required by such representative to be removed from such article or poultry before it is released unless it appears to the satisfaction of the Secretary that the article or poultry is eligible to retain such marks.

"SEC. 20. (a) Any poultry product, or any dead, dying, disabled, or diseased poultry, that is being transported in commerce or otherwise subject to this Act, or is held for sale in the United States after such transportation, and that (1) is or has been processed, sold, transported, or otherwise distributed or offered or received for distribution in violation of this Act, or (2) is capable of use as human food and is adulterated or misbranded, or (3) in any other way is in violation of this Act, shall be liable to be proceeded against and seized and condemned, at any time, on a libel of information in any United States district court or other proper court as provided in section 21 of this Act within the jurisdiction of which the article or poultry is found. If the article or poultry is condemned it shall, after entry of the decree, be disposed of by destruction or sale as the court may direct and the proceeds, if sold, less the court costs and fees, and storage and other proper expenses, shall be paid into the Treasury of the United States, but the article or poultry shall not be sold contrary to the provisions of this Act, or the laws of the jurisdiction in which it is sold: *Provided*, That upon the execution and delivery of a good and sufficient bond conditioned that the article or poultry shall not be sold or otherwise disposed of contrary to the provisions of this Act, or the laws of the jurisdiction in which disposal is made, the court may direct that such article or poultry be delivered to the owner thereof subject to such supervision by authorized representatives of the Secretary as is necessary to insure compliance with the applicable laws. When a decree of condemnation is entered against the article or poultry and it is released under bond, or destroyed, court costs and fees, and storage and other proper expenses shall be awarded against the person, if any, intervening as claimant of the article or poultry. The proceedings in such libel cases shall conform, as nearly as may be, to the proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in any case, and all such proceedings shall be at the suit of and in the name of the United States.

"(b) The provisions of this section shall in no way derogate from authority for condemnation or seizure conferred by other provisions of this Act, or other laws.

"SEC. 21. The United States district courts, the District Court of Guam, the District Court of the Virgin Islands, the highest court of American Samoa, and the United States courts of the other territories, are vested with jurisdiction specifically to enforce, and to prevent and restrain violations of, this Act, and shall have jurisdiction in all other kinds of cases arising under this Act, except as provided in section 8(d) or 18 of this Act. All proceedings for the enforcement or to restrain violations of this Act shall be by and in the name of the United States. Subpenas for witnesses who are required to attend a court of the United States, in any district, may run into any other district in any such proceeding.

Seizure, condemnation, and disposal of poultry products.

Courts, jurisdiction.

Ante, pp. 799, 805.

66 Stat. 722.

"SEC. 22. For the efficient administration and enforcement of this Act, the provisions (including penalties) of sections 6, 8, 9, and 10 of the Federal Trade Commission Act, as amended (38 Stat. 721-723, as amended; 15 U.S.C. 46, 48, 49, and 50) (except paragraphs (c) through (h) of section 6 and the last paragraph of section 9), and the provisions of subsection 409(1) of the Communications Act of 1934 (48 Stat. 1096, as amended; 47 U.S.C. 409(1)), are made applicable to the jurisdiction, powers, and duties of the Secretary in administering and enforcing the provisions of this Act and to any person with respect to whom such authority is exercised. The Secretary, in person or by such agents as he may designate, may prosecute any inquiry necessary to his duties under this Act in any part of the United States, and the powers conferred by said sections 9 and 10 of the Federal Trade Commission Act as amended on the district courts of the United States may be exercised for the purposes of this Act by any court designated in section 21 of this Act.

Ante, p. 801.

"SEC. 23. Requirements within the scope of this Act with respect to premises, facilities and operations of any official establishment, which are in addition to, or different than those made under this Act may not be imposed by any State or Territory or the District of Columbia, except that any such jurisdiction may impose recordkeeping and other requirements within the scope of paragraph (b) of section 11 of this Act, if consistent therewith, with respect to any such establishment. Marking, labeling, packaging, or ingredient requirements (or storage or handling requirements found by the Secretary to unduly interfere with the free flow of poultry products in commerce) in addition to, or different than, those made under this Act may not be imposed by any State or Territory or the District of Columbia with respect to articles prepared at any official establishment in accordance with the requirements under this Act, but any State or Territory or the District of Columbia may, consistent with the requirements under this Act, exercise concurrent jurisdiction with the Secretary over articles required to be inspected under this Act, for the purpose of preventing the distribution for human food purposes of any such articles which are adulterated or misbranded and are outside of such an establishment, or, in the case of imported articles which are not at such an establishment, after their entry into the United States. This Act shall not preclude any State or Territory or the District of Columbia from making requirement or taking other action, consistent with this Act, with respect to any other matters regulated under this Act.

52 Stat. 1040.
21 USC 301.

"SEC. 24. (a) Poultry and poultry products shall be exempt from the provisions of the Federal Food, Drug, and Cosmetic Act to the extent of the application or extension thereto of the provisions of this Act, except that the provisions of this Act shall not derogate from any authority conferred by the Federal Food, Drug, and Cosmetic Act prior to enactment of the Wholesome Poultry Products Act.

Ante, p. 805.

"(b) The detainer authority conferred by section 19 of this Act shall apply to any authorized representative of the Secretary of Health, Education, and Welfare for purposes of the enforcement of the Federal Food, Drug, and Cosmetic Act with respect to any poultry carcass, or part or product thereof, that is outside any official establishment, and for such purposes the first reference to the Secretary in section 19 shall be deemed to refer to the Secretary of Health, Education, and Welfare.

Reports to
congressional
committees.

"SEC. 27. The Secretary shall annually report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture and Forestry of the Senate with respect to the slaughter of poultry subject to this Act, and the preparation, storage, handling, and distribution of poultry parts, poultry products, and inspection of

establishments operated in connection therewith, including the operations under and the effectiveness of this Act."

SEC. 18. The heading "**Designation**" preceding section 5 of said Act is hereby amended to read "**Federal and State cooperation**"; the heading "**Labeling**" preceding section 8 of said Act is hereby amended to read "**Labeling and containers; standards**"; the heading "**Records of interstate shipment**" preceding section 11 of said Act is hereby amended to read "**Articles not intended for human food; record and related requirements for processors of poultry products and related industries engaged in commerce; registration requirements for related industries engaged in commerce; regulation of transactions in commerce in dead, dying, disabled, or diseased poultry and carcasses thereof; authority to regulate comparable intrastate activities**"; and the heading "**Violations by exempted persons**" preceding section 16 of said Act is hereby amended to read "**Entry of materials into official establishments.**"

SEC. 19. If any provisions of this Act or of the amendments made hereby or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and the remaining amendments and of the application of such provision to other persons and circumstances shall not be affected thereby.

Separability.

SEC. 20. This Act shall become effective upon enactment except as provided in paragraphs (a) through (c):

Effective date.

(a) The provisions of subparagraphs (a)(2)(A) and (a)(3) of section 9 of the Poultry Products Inspection Act, as amended by section 9 of this Act, shall become effective upon the expiration of sixty days after enactment hereof.

Ante, p. 800.

(b) Section 14 of this Act, amending section 15 of the Poultry Products Inspection Act, shall become effective upon the expiration of sixty days after enactment hereof.

Ante, p. 803.

(c) Paragraph 11(d) of the Poultry Products Inspection Act, as added by section 11 of this Act, shall become effective upon the expiration of sixty days after enactment hereof.

Ante, p. 801.

Approved August 18, 1968, 10:20 a.m.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 1333 (Comm. on Agriculture) and No. 1839 (Comm. of Conference).

SENATE REPORT No. 1449 accompanying S. 2932 (Comm. on Agriculture & Forestry.)

CONGRESSIONAL RECORD, Vol. 114 (1968):

June 13: Considered and passed House.

July 29: Considered and passed Senate, amended, in lieu of S. 2932.

Aug. 2: House and Senate agreed to conference report.

ing in our cities by "setting a goal of full parity of opportunity for rural America;" by creating "new jobs in the small towns of America;" and by assuring "rural America its full, fair share of educational, economic, social, and cultural opportunity."

With these amendments to the Farmers Home Administration Act, the Congress moves significantly toward these goals by:

- Making credit available to farmers to develop non-farm enterprises to supplement farm income, or to convert entire farms to recreational enterprises.
- Increasing matching funds for water and waste disposal projects in rural communities.
- Enlarging the authority to insure loans for water and waste disposal projects and for farm ownership.
- Improving credit assistance for farm families.

Significantly, this bill passed both Houses of the Congress without a dissenting vote. Thus, the further development of the Nation's resources in its rural areas is strongly reaffirmed as a national goal.

We must continue to give this goal a high priority because of the promise it holds as a key to improving the quality of life for all Americans.

NOTE: As enacted, the bill (S. 1504) is Public Law 90-488, approved August 15, 1968.

The statement was released at Austin, Texas.

Wholesome Poultry Products Act

*Statement by the President Upon Signing the Bill.
August 19, 1968*

Eight months ago, I signed into law the Wholesome Meat Act of 1967. That landmark bill capped a crusade that had begun 60 years ago—to assure American housewives that the meat they served their families was pure, not harmful or dirty or diseased.

Today I am proud to sign a bill that will extend the same coverage to all poultry products. It is the fulfillment of a promise I made to every housewife—in my first consumer message just after I became President.

In the early days of this century, Americans took for granted that there were risks in buying food. They even joked about it in print. One newspaper printed a little poem:

Mary had a little lamb,
and when she saw it sicken,
she shipped it off to packing town,
and now it's labeled chicken.

In 1968, we cannot tolerate the image, or the fact, of unwholesome food:

- Not when Americans last year consumed more than 12 billion pounds of poultry.

- Not when a full 13 percent of that supply—or, 1.6 billion pounds—was subject to little or no inspection because it didn't cross State lines.

That loophole did not necessarily mean that all, or even most, of those 1.6 billion pounds were unsafe.

But it did mean that shady processors could avoid Federal inspection laws by distributing tainted poultry within the same State.

It did mean that the housewife often took an unnecessary risk—for her children and herself—when she bought a chicken.

The Wholesome Poultry Products Act of 1968 will insure that dirty plants will have to clean up or close down.

It will give a State 2 years to develop an inspection system as good as the Federal system. If, at the end of that time, the State has not done so, then Federal inspection will be imposed.

It will give the States financial and technical assistance in establishing inspection programs and training inspectors.

It will let the Secretary of Agriculture take action against any plant where the State fails to correct conditions endangering the public health.

When I was a year old—the same age as my grandson is now—President Theodore Roosevelt stated a principle which has survived the test of time: That "No man may poison the people for his private profit."

I believe that. I think all Americans believe it. And this bill will help us make sure it becomes a reality.

NOTE: As enacted, the bill (H.R. 16363) is Public Law 90-492, approved August 18, 1968.

The statement was released at Austin, Texas.

Youth Opportunity Campaign

*Announcement of Report to the President by Civil Service Commission Chairman John W. Macy, Jr.
August 19, 1968*

Federal agencies have met summer employment goals under the Youth Opportunity Campaign for the fourth consecutive year, Chairman John W. Macy, Jr., of the Civil Service Commission has reported to President Johnson.

From May 13 through July 19, Federal agencies hired 74,755 needy young men and women throughout the Nation. At no time, however, did the number of young people on the job exceed the 70,000 ceiling authorized under the Revenue and Expenditure Control Act.

"Agency reports of hiring clearly show that the 1968 program will make a new high in Federal summer employment of young people," Chairman Macy reported.

Total hires of young people in the 16 through 21 age group had reached 111,386 by July 19, with additional

